

**SENATE BILL NO. 2276**

Introduced by

Senators Schobinger, Fischer, B. Stenehjem

Representatives Berg, Keiser, Price

1 A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota  
2 Century Code, relating to use of replacement crash parts in motor vehicle repairs.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 51-07 of the North Dakota Century Code is  
5 created and enacted as follows:

6 **Motor vehicle replacement crash parts - Insurance requirements.**

7 1. In this section, unless the context otherwise requires:

- 8 a. "Installer" means an individual who completes the work of repairing collision  
9 damage to motor vehicles.
- 10 b. "Insurer" means an insurance company or any person authorized to represent  
11 the insurance company with respect to a motor vehicle collision repair claim.
- 12 c. "New aftermarket replacement crash part" means a part made by a person  
13 other than the motor vehicle manufacturer or the manufacturer's licensee.
- 14 d. "New original equipment manufacturer replacement crash part" means a part  
15 manufactured by an original motor vehicle manufacturer or the manufacturer's  
16 licensee.
- 17 e. "Recycled replacement crash part" means a recyclable part or assembly from  
18 a salvaged motor vehicle.
- 19 f. "Remanufactured replacement crash part" means a part returned to like-new  
20 condition by repairing, remachining, or rebuilding.
- 21 g. "Repair facility" means a collision repair center, a repair shop, a vehicle  
22 dealer, or any entity that repairs motor vehicle collision damage.
- 23 h. "Replacement crash part" means a part typically replaced during repair of a  
24 collision-damaged motor vehicle, including exterior sheet metal and any

1 plastic component such as a fender, hood, door, bumper system, or related  
2 structural component.

3 2. Except as provided under subsection 4, before an insurer requires the use of any  
4 type of replacement crash part for the repair of a collision-damaged motor vehicle,  
5 the insurer shall disclose to the motor vehicle owner or the motor vehicle owner's  
6 authorized representative the type of replacement crash part that will be used.  
7 Before an installer installs any type of replacement crash part, the repair facility  
8 shall disclose each type of replacement crash part that will be installed and obtain  
9 written authorization from the motor vehicle owner or the owner's authorized  
10 representative.

11 3. The following "Replacement Crash Parts Notice and Authorization Form",  
12 reproduced in twelve-point type or larger, must be attached to a copy of the  
13 collision repair estimate and must be signed by the motor vehicle owner or the  
14 motor vehicle owner's authorized representative before any replacement crash part  
15 is installed:

16 NOTICE TO CONSUMER

17 1. A replacement crash part is a part typically replaced during the repair of a  
18 damaged motor vehicle, including exterior sheet metal and plastic  
19 components such as fenders, hoods, doors, bumper systems, and related  
20 structural components.

21 2. The types of replacement crash parts listed on your estimate or repair order  
22 No. \_\_\_\_\_ (copy attached) are from the categories checked  
23 below.

24 3. Warranties for the types of replacement crash parts listed below are provided  
25 by the manufacturer or distributor of the replacement parts. Warranty  
26 coverage varies. Ask your insurer or repair facility for specific, written  
27 warranty information. Additional warranties for replacement crash parts will  
28 be provided by \_\_\_\_\_.

29 4. Replacement crash parts types:

- 1           a.    New Original Equipment Manufacturer - A part that is made by the  
2                    motor vehicle manufacturer or the manufacturer's licensee and  
3                    distributed through the manufacturer's normal channels.
- 4           b.    New Aftermarket - A part that is made by a person other than the motor  
5                    vehicle manufacturer or the manufacturer's licensee.
- 6           c.    Recycled - A used part that is removed from another motor vehicle.
- 7           d.    Remanufactured - A part that is returned to like-new condition by  
8                    repairing, remachining, or rebuilding.

9           I understand that my motor vehicle will be repaired using the parts notated above.

10          I authorize the repair facility to install these parts.

11

\_\_\_\_\_

\_\_\_\_\_

12

Customer Signature

Date

13

4. If a motor vehicle requires repair by a repair facility during the year of the motor  
14           vehicle's manufacture or in the three years following the year of manufacture, a  
15           repair facility shall use new original equipment manufacturer replacement crash  
16           parts sufficient to maintain the manufacturer's warranty for fit, finish, structural  
17           integrity, corrosion resistance, dent resistance, and crash performance unless the  
18           motor vehicle owner consents in writing at the time of the repair to the use of parts  
19           other than new original equipment manufacturer replacement crash parts. An  
20           insurance company may not require the use of parts other than new original  
21           equipment manufacturer replacement crash parts when negotiating with an  
22           installer for the repair of a motor vehicle during the year the motor vehicle was  
23           manufactured and the three years following the year of manufacture, unless the  
24           motor vehicle owner consents in writing at the time of the repair to the use of parts  
25           other than new original equipment manufacturer replacement crash parts.