

Fifty-sixth
Legislative Assembly
of North Dakota

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

- 1 2. Except as provided under subsection 4, before a repair facility installs any type of
- 2 replacement crash part, the repair facility shall disclose each type of replacement
- 3 crash part that will be installed and obtain written authorization from the motor
- 4 vehicle owner or the owner's authorized representative.

- 5 3. The following "Replacement Crash Parts Notice and Authorization Form",
- 6 reproduced in ten-point type or larger, must be attached to a copy of the collision
- 7 repair estimate and must be signed by the motor vehicle owner or the motor
- 8 vehicle owner's authorized representative before any replacement crash part is
- 9 installed subject to the conditions in subsection 4:

NOTICE TO CONSUMER

- 11 1. A replacement crash part is a part typically replaced during the repair of a
- 12 damaged motor vehicle, including exterior sheet metal and plastic
- 13 components such as fenders, hoods, doors, bumper systems, and related
- 14 structural components.

- 15 2. The types of replacement crash parts listed on your estimate or repair order
- 16 No. _____ (copy attached) are from the categories checked
- 17 below.

- 18 3. Warranties for the types of replacement crash parts listed below are provided
- 19 by the manufacturer or distributor of the replacement parts. Warranty
- 20 coverage varies. Ask your insurer or repair facility for specific, written
- 21 warranty information. Additional warranties for replacement crash parts will
- 22 be provided by _____.

- 23 4. Replacement crash parts types:
 - 24 a. New Original Equipment Manufacturer - A part that is made by the
 - 25 motor vehicle manufacturer or the manufacturer's licensee and
 - 26 distributed through the manufacturer's normal channels.
 - 27 b. New Aftermarket - A part that is made by a person other than the motor
 - 28 vehicle manufacturer or the manufacturer's licensee.
 - 29 c. Recycled - A used part that is removed from another motor vehicle.
 - 30 d. Remanufactured - A part that is returned to like-new condition by
 - 31 repairing, remachining, or rebuilding.

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

2 I authorize the repair facility to install these parts.

3 _____

4 Customer Signature

_____ Date

5 4. If a motor vehicle requires repair by a repair facility during the year of the motor
6 vehicle's manufacture or in the two years following the year of manufacture, a
7 repair facility shall use original equipment manufacturer replacement crash parts
8 sufficient to maintain the manufacturer's warranty for fit, finish, structural integrity,
9 corrosion resistance, dent resistance, and crash performance unless the motor
10 vehicle owner consents in writing at the time of the repair to the use of parts other
11 than new original equipment manufacturer replacement crash parts. An insurance
12 company may not require the use of parts other than original equipment
13 manufacturer replacement crash parts when negotiating with a facility for the repair
14 of a motor vehicle during the year the motor vehicle was manufactured and the two
15 years following the year of manufacture, unless the motor vehicle owner consents
16 in writing at the time of the repair to the use of parts other than original equipment
17 manufacturer replacement crash parts.