

2018 -- H 8013

LC005169

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO INSURANCE - MOTOR VEHICLE REPLACEMENT PARTS

Introduced By: Representatives Marshall, Corvese, McKiernan, Casey, and Tobon

Date Introduced: March 29, 2018

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 27-10.2 of the General Laws entitled "Motor Vehicle  
2 Body Replacement Parts" is hereby amended to read as follows:

3 ~~CHAPTER 27-10.2~~

4 ~~Motor Vehicle Body Replacement Parts~~

5 CHAPTER 27-10.2

6 MOTOR VEHICLE REPLACEMENT PARTS

7 SECTION 2. Sections 27-10.2-1 and 27-10.2-2 of the General Laws in Chapter 27-10.2  
8 entitled "Motor Vehicle Body Replacement Parts" are hereby amended to read as follows:

9 **27-10.2-1. Definitions.**

10 As used in this chapter:

11 (1) "Aftermarket part" means a motor vehicle ~~body~~ replacement part that is not an  
12 original equipment manufacturer part; and

13 (2) "Original equipment manufacturer part" or "OEM part" means a motor vehicle ~~body~~  
14 replacement part manufactured by the manufacturer of the motor vehicle being repaired.

15 **27-10.2-2. Aftermarket parts -- Time limit prohibition.**

16 (a) Whenever an insurance company, in adjusting a ~~first-party~~ claim for motor vehicle  
17 physical damage, intends to specify the use of aftermarket parts, it shall notify the ~~insured~~ vehicle  
18 owner in writing. Any auto body repair shop conducting business in the state of Rhode Island  
19 shall not use non-original equipment manufactured (OEM) parts, also referred to as aftermarket

1 parts, in the repair of any person's automobile, without that person giving the repairer his or her  
2 express written consent.

3 (b) No insurance company may require the use of aftermarket parts when negotiating  
4 repairs with any repairer unless the repairer has written consent from the vehicle owner to install  
5 aftermarket parts. The provisions of this section shall apply only to automobiles which are less  
6 than ~~thirty (30)~~ forty-eight (48) months beyond the date of manufacture.

7 (c) For any automobile which is less than thirty (30) months beyond the date of  
8 manufacture, the insurer and the auto body repairs shop must provide a written notice to the  
9 vehicle owner that: (i) he or she may require the insurer to pay for and the auto body shop to  
10 install "original equipment manufacturer parts" or "OEM parts" in the repair of ~~a motor vehicle~~  
11 ~~body replacement~~ any collision damaged part on the vehicle; or (ii) he or she may require the  
12 insurer to pay for and the auto body shop to install "non-original equipment manufacturer parts"  
13 (non-"OEM parts") in the repair of ~~a motor vehicle body replacement~~ any collision damaged part  
14 on the vehicle. To comply with this provision, written notice may be provided on the appraisal  
15 written on behalf of the insurer and the estimate prepared by the auto body repair shop.

16 (d) No insurance company may require any repairer to use repair specifications or  
17 procedures that are not in compliance with the recommendations of the original equipment  
18 manufacturer for those parts.

19 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO INSURANCE - MOTOR VEHICLE REPLACEMENT PARTS

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1           This act would amend provisions of the general laws relative to motor vehicle  
2 replacement parts and the use of aftermarket parts, time limits within which the use of aftermarket  
3 parts is permitted, notice to be provided when using aftermarket parts and specifies compliance  
4 standards for repair specifications which must be consistent with the manufacturers.

5           This act would take effect upon passage.

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