

2024 -- S 2440 AS AMENDED

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO INSURANCE -- MOTOR VEHICLE REPLACEMENT PARTS

Introduced By: Senators Gallo, Lawson, Pearson, Ciccone, Murray, DiPalma, Bissailon,
Britto, Lauria, and Valverde

Date Introduced: February 12, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 **27-10.2-2. Aftermarket parts — Time limit prohibition.**

4 (a) Whenever an insurance company, in adjusting a claim for motor vehicle physical
5 damage, intends to specify the use of aftermarket parts, it shall notify the vehicle owner in writing.
6 Any auto body repair shop conducting business in the state of Rhode Island shall not use non-
7 original equipment manufactured (OEM) parts, also referred to as aftermarket parts, in the repair
8 of any person's automobile, without that person giving the repairer his or her express written
9 consent.

10 (b) No insurance company may require the use of aftermarket parts when negotiating
11 repairs with any repairer unless the repairer has written consent from the vehicle owner to install
12 aftermarket parts. The provisions of this section shall apply only to automobiles that are less than
13 forty-eight (48) months beyond the date of manufacture.

14 (c) No insurance company may refuse the use of OEM parts when negotiating repairs with
15 any repairer for automobiles that are greater than forty-eight (48) months and less than seventy-two
16 (72) months from the date of manufacture, provided the repairer has written consent from the
17 vehicle owner to install OEM parts.

18 ~~(e)~~(d) For any automobile that is less than forty-eight (48) months beyond the date of
19 manufacture, the insurer and the auto body repair shop must provide a written notice to the vehicle

1 owner that: (i) He or she may require the insurer to pay for and the auto body shop to install
2 “original equipment manufacturer parts” or “OEM parts” in the repair of a motor vehicle; or (ii) He
3 or she may require the insurer to pay for and the auto body shop to install “non-original equipment
4 manufacturer parts” (non-“OEM parts”) in the repair of a motor vehicle. To comply with this
5 provision, written notice may be provided on the appraisal written on behalf of the insurer and the
6 estimate prepared by the auto body repair shop.

7 ~~(e)~~(e) When “OEM part(s)” are used in the repair of a motor vehicle, no insurance company
8 may require any repairer to use repair procedures that are not in compliance with the
9 recommendations of the original equipment manufacturer.

10 ~~(e)~~(f) This chapter shall not apply to the repair or replacement of motor vehicle glass
11 performed by licensed motor vehicle glass repair shops pursuant to chapter 38.5 of title 5.

12 SECTION 2. This act shall take effect on October 1, 2024.

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

1 This act would prohibit insurance companies from refusing to use after market parts that
2 are greater than forty-eight (48) months and less than seventy-two (72) months from the date of
3 manufacture, provided the repairer has written consent from the owner of the vehicle.

4 This act would take effect on October 1, 2024.

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