

SENATE, No. 2197

STATE OF NEW JERSEY

INTRODUCED JUNE 16, 1997

By Senator SINGER

1 AN ACT regulating use of after market parts for auto body repairs and
2 amending and supplementing P.L.1983, c.360.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Section 1 of P.L.1983, c.360 (C.39:13-1) is amended to read as
8 follows:

9 1. For the purposes of this act:

10 "After market parts" means exterior or interior sheet metal or
11 fiberglass panels and parts that form the superstructure or body of an
12 automobile, including, but not limited to, fenders, bumpers, quarter
13 panels, door panels, hoods, grills, fire walls, permanent roofs, wheel
14 wells and front and rear lamp display panels manufactured by a person
15 other than the original manufacturer of the automobile to be repaired,
16 and for which the original manufacturer of the automobile has not
17 authorized the use of its name or trademark by the manufacturer of the
18 parts.

19 [a.] "Auto body repair facility" means a business or person who for
20 compensation engages in the business of repairing, removing, or
21 installing integral component parts of an engine, power train, chassis,
22 or body of an automobile damaged as a result of a collision.

23 [b.] "Automobile" means a private passenger automobile of a
24 private passenger, station wagon, or van type that is owned or hired
25 and is neither used as public or livery conveyance for passengers nor
26 rented to others with a driver; and a motor vehicle with a pickup body,
27 a delivery sedan or a panel truck or a camper type vehicle used for
28 recreational purposes owned by an individual or by husband and wife
29 who are residents of the same household, not customarily used in the
30 occupation, profession or business of the insured other than farming
31 or ranching. An automobile owned by a farm family copartnership or
32 corporation which is principally garaged on a farm or ranch shall be
33 considered a private passenger automobile owned by two or more
34 relatives resident in the same household.

35 [c.] "Director" means the Director of the Division of Motor

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 Vehicles in the Department of [Law and Public Safety]
2 Transportation.

3 (cf: P.L.1985, c.148, s.22)

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5 2. (New section) a. For all automobiles requiring repair by auto
6 body repair facilities in the year of their manufacture or in the three
7 succeeding years thereafter, auto body repair facilities shall use parts
8 sufficient to maintain the manufacturer's warranty for fit, finish,
9 structural integrity, corrosion resistance, dent resistance and crash
10 performance, unless the automobile owner consents in writing at the
11 time of repair to the use of after market parts.

12 b. No insurance company shall require the use of after market parts
13 when negotiating repairs of the automobile with an auto body repair
14 facility for a period of four years, the year the automobile was
15 manufactured and the three succeeding years thereafter, unless the
16 automobile owner consents in writing at the time of repair to the use
17 of after market parts.

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19 3. (New section) a. Before beginning repair work, an auto body
20 repair facility shall:

21 (1) Provide a list to the automobile owner of the replacement parts
22 that the auto body repair facility intends to use in making repairs;

23 (2) Specify whether the replacement parts are parts manufactured
24 by the original manufacturer of the automobile or by a manufacturer
25 authorized by the original manufacturer to use its name or trademark;
26 and

27 (3) Identify the manufacturer of the parts if the replacement parts
28 are after market parts.

29 b. If the replacement parts to be used by the auto body repair
30 facility in the repair work are after market parts, the auto body repair
31 facility shall include, in writing, on a separate document attached to
32 the estimate, in print no smaller than 10-point bold type, the following:

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34 "THIS ESTIMATE HAS BEEN PREPARED BASED ON THE
35 USE OF AFTER MARKET PARTS THAT ARE NOT
36 MANUFACTURED BY THE ORIGINAL MANUFACTURER
37 OF THE AUTOMOBILE OR BY A MANUFACTURER
38 AUTHORIZED BY THE ORIGINAL MANUFACTURER TO
39 USE ITS NAME OR TRADEMARK. THE USE OF AN
40 AFTER MARKET PART MAY INVALIDATE ANY
41 REMAINING WARRANTIES OF THE ORIGINAL
42 MANUFACTURER ON THAT PART."

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44 4. This act shall take effect on the 120th day following enactment.

STATEMENT

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The bill prohibits auto body repair facilities and insurance companies from requiring the use of after market parts involving repairs for any automobile during the year of its manufacture or for three years thereafter, unless the owner of the automobile consents to their use in writing at the time of repair.

This bill also requires an auto body repair facility to: inform a person whose automobile is to be repaired prior to beginning that work as to the replacement parts that the facility intends to use in making repairs; specify whether the replacement parts are parts manufactured by the original manufacturer of the automobile or by a manufacturer authorized by the original manufacturer to use its name or trademark; and identify the manufacturer of the parts if these parts are after market parts, and, thus, are not manufactured by the original manufacturer of the automobile or by a manufacturer authorized by the original manufacturer to use its name or trademark. In addition, the bill provides that when the auto body repair facility intends to use after market parts it shall provide that information to the prospective customer in conspicuous writing on a separate document attached to the estimate.

Regulates use of after market parts for auto body repairs.