

SECOND REGULAR SESSION

# SENATE BILL NO. 1069

90TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR STOLL.

Read 1st time March 1, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4595S.011

## AN ACT

To repeal section 407.295, RSMo 1994, relating to aftermarket automobile parts, and to enact in lieu thereof one new section relating to the same subject.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 407.295, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 407.295, to read as follows:

407.295. 1. As used in this section, the following terms mean:

(1) "Aftermarket crash part", a replacement for any of the nonmechanical sheet metal or plastic parts which generally constitute the exterior of a motor vehicle, including inner and outer panels;

(2) "Insurer", an insurance company and any person authorized to represent the insurer with respect to a claim;

(3) "Nonoriginal equipment manufacturer (Non-OEM) aftermarket crash part", aftermarket crash parts not made for or by the manufacturer of the motor vehicle.

2. Any aftermarket crash part supplied by a nonoriginal equipment manufacturer for use in this state after January 1, 1990, shall have affixed thereto or inscribed thereon the logo or name of its manufacturer. Such manufacturer's logo or name shall be visible after installation whenever practicable.

3. No insurer shall specify directly or indirectly the use of non-OEM aftermarket crash parts in the repair of an insured's motor vehicle without disclosing the intended use of such parts. In all instances where non-OEM aftermarket crash parts are intended for use by an insurer:

- (1) The written estimate shall clearly identify each such part; and
- (2) A disclosure document containing the following information in ten-point or

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

larger type shall appear on or be attached to the insured's copy of the estimate: "This estimate has been prepared based on the use of one or more crash parts supplied by a source other than the manufacturer of your motor vehicle. Warranties applicable to these replacement parts are provided by the parts manufacturer or distributor rather than by the manufacturer of your vehicle."

**4. No non-OEM aftermarket crash parts shall be used in the repair of an insured's motor vehicle during the original or extended warranty period of the motor vehicle.**

[4.] **5.** Any violation of this section shall be deemed an unlawful practice as the term is used in sections 407.010 to 407.130, and shall be subject to the enforcement provisions of sections 407.010 to 407.130.

[5. This section shall become effective January 1, 1990.]

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