

SECOND REGULAR SESSION

# SENATE BILL NO. 986

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHOEMYER.

Read 1st time January 22, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

3507S.04I

## AN ACT

To amend chapter 407, RSMo, by adding thereto six new sections relating to motor vehicle damage appraisers, with penalty provisions.

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

Section A. Chapter 407, RSMo, is amended by adding thereto six new sections 407.1600, 407.1603, 407.1606, 407.1609, 407.1612, and 407.1615, to be known as sections, to read as follows:

**407.1600. 1. As used in sections 407.1600 to 407.1615 the following terms shall mean:**

(1) "Aftermarket part", a new part that is not manufactured or supplied by the original motor vehicle manufacturer for addition to, or replacement of, exterior body panel or trim;

(2) "New part", a part or component manufactured or supplied by the original motor vehicle manufacturer in an unused condition;

(3) "Physical damage appraisal", all diagnosis that is commonly performed by an automotive physical damage appraiser to diagnose the repair of a motor vehicle damaged in an accident, by an act not related to collision, or collision due to a condition similar to the motor vehicle condition prior to the damage or deterioration including, but not limited to, the diagnosis, installation, exchange, repair, or refinishing of exterior body panels, trim, lighting, and structural chassis;

(4) "Physical damage appraiser", a person, firm, association, or corporation that engages in the business of automotive physical damage diagnosis, related to accident, collision, or deterioration;

(5) "Rebuilt part" or "reconditioned part", a used part that has been inspected and remanufactured to restore functionality and performance;

21           (6) "Repaired part", a part on the original damaged vehicle that  
22 has been returned to it's original form, fit, functionality, and  
23 appearance by industry accepted methods of repair;

24           (7) "Used part", an original motor vehicle manufacturer part or  
25 component removed from a motor vehicle of similar make, model, and  
26 condition without the benefit of being rebuilt or remanufactured.

          407.1603. 1. Every motor vehicle physical damage appraiser  
2 shall:

3           (1) Give to each consumer a written estimated price for labor  
4 and parts for a specific repair;

5           (2) If at a repair facility, leave a written copy of the estimated  
6 price at the time of the inspection with the repair facility and present  
7 a copy of the estimate to the vehicle owner as soon as is practical  
8 following the inspection.

9           2. Physical damage appraisers shall describe in the estimate the  
10 major parts needed to effectuate the repair and shall designate the  
11 parts as either new parts, used parts, rebuilt, repaired, reconditioned  
12 parts, or aftermarket parts as defined in section 407.1600.

13           3. Estimates shall indicate that the physical damage appraiser  
14 used a published flat rate manual or automated system accepted by the  
15 collision industry to determine the cost of repairs to a vehicle. The flat  
16 rate manual or automated system shall be used in its entirety and  
17 without modification to establish the cost of repairing a vehicle. This  
18 subsection shall not be construed as interfering with any direct repair  
19 contract a repair facility may have with an insurance company or fleet  
20 owner.

21           4. If it is necessary to disassemble or partially disassemble a  
22 motor vehicle or motor vehicle component in order to provide the  
23 consumer a written estimate for necessary repairs, the estimate shall  
24 show the cost of any disassembly, diagnostics, storage, and  
25 administrative fees if the consumer elects not to proceed with the  
26 repair of the motor vehicle.

27           5. The estimate shall include the date the estimate was prepared,  
28 the odometer reading and vehicle identification number (VIN) on the  
29 motor vehicle at the time the estimate was prepared.

          407.1606. When an estimate is required to be presented to a  
2 consumer, a physical damage appraiser shall disclose to the prospective

3 consumer an estimated price quotation with the following statement  
4 included or attached with the consumer's signature: "You are entitled  
5 to a price estimate for the repairs needed to restore your vehicle to a  
6 condition similar to the motor vehicle condition prior to the damage or  
7 deterioration. You are also entitled by law to select the repair facility  
8 of your choice to do the repairs."

407.1609. If it is determined that the estimated price is  
2 insufficient because of unforeseen circumstances, the consumer shall  
3 be entitled to a full disclosure of the cost of additional parts or labor  
4 subsequent to a complete diagnosis.

407.1612. It shall be an unlawful trade practice for a motor  
2 vehicle physical damage appraiser to engage in a pattern or practice  
3 of preparing written estimates underestimating the final costs of the  
4 repairs by more than ten percent. A pattern or practice exists where  
5 there are more than isolated occurrences in which the motor vehicle  
6 damage appraiser prepares written estimates that underestimate the  
7 final costs of repairs by more than ten percent.

407.1615. A violation of any of the provisions of sections 407.1600  
2 to 407.1615 shall be deemed an unlawful trade practice under sections  
3 407.010 to 407.130, and shall be subject to all penalties, remedies, and  
4 procedures provided in sections 407.010 to 407.130. The attorney  
5 general shall have all powers, rights, and duties regarding violations  
6 of sections 407.1600 to 407.1615 as are provided in sections 407.010 to  
7 407.130, in addition to the rulemaking authority as provided in section  
8 407.145.

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