

2019 -- S 0850

LC002156

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO INSURANCE - MOTOR VEHICLE REPLACEMENT PARTS

Introduced By: Senators Goodwin, Ruggerio, and McCaffrey

Date Introduced: May 01, 2019

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  
6 writing. Any auto body repair shop conducting business in the state of Rhode Island shall not use  
7 non-original equipment manufactured (OEM) parts, also referred to as aftermarket parts, in the  
8 repair of any person's automobile, without that person giving the repairer his or her express  
9 written 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) For any automobile that is less than forty-eight (48) months beyond the date of  
15 manufacture, the insurer and the auto body repair shop must provide a written notice to the  
16 vehicle owner that: (i) He or she may require the insurer to pay for and the auto body shop to  
17 install "original equipment manufacturer parts" or "OEM parts" in the repair of a motor vehicle;  
18 or (ii) He or she may require the insurer to pay for and the auto body shop to install "non-original  
19 equipment manufacturer parts" (non-"OEM parts") in the repair of a motor vehicle. To comply

1 with this provision, written notice may be provided on the appraisal written on behalf of the  
2 insurer and the estimate prepared by the auto body repair shop.

3 (d) When "OEM part(s)" are used in the repair of a motor vehicle, no insurance company  
4 may require any repairer to use repair procedures that are not in compliance with the  
5 recommendations of the original equipment manufacturer.

6 (e) This chapter shall not apply to the repair or replacement of motor vehicle glass  
7 performed by licensed motor vehicle glass repair shops for non-collision related damage pursuant  
8 to chapter 38.5 of title 5: provided, the owner of the vehicle is notified in writing that installation  
9 of an aftermarket glass will require re-calibration of safety related systems, for which cost the  
10 insurer is responsible; provided, further, that an OEM glass is installed if specifically requested  
11 by the vehicle owner.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO INSURANCE - MOTOR VEHICLE REPLACEMENT PARTS

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1           This act would require that the owner of a vehicle be notified in writing that installation  
2 of an aftermarket glass will require re-calibration of safety related systems, for which cost the  
3 insurer is responsible.

4           This act would take effect upon passage.

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