

IN THE SENATE

SENATE BILL NO. 1233

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1  
2 RELATING TO TRADE PRACTICES AND FRAUDS; AMENDING SECTION 41-1328B, IDAHO  
3 CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMEND-  
4 ING SECTION 41-1328D, IDAHO CODE, TO REVISE A DISCLOSURE REQUIREMENT  
5 AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PRO-  
6 VIDING AN EFFECTIVE DATE.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 41-1328B, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 41-1328B. DEFINITIONS. For the purposes of sections 41-1328A through  
11 41-1328D, Idaho Code, the following definitions apply:

12 (1) "Aftermarket crash part" means a replacement part for any of the  
13 nonmechanical sheet metal or plastic parts ~~which that~~ generally constitute  
14 the exterior of a motor vehicle, including inner and outer panels, head-  
15 lamps, fenders, hoods, tail lamps, and bumper components.

16 (2) "Installer" means an individual who actually does the work of re-  
17 placing or repairing parts of a motor vehicle.

18 (3) "Insurer" means an insurance company and any person authorized to  
19 represent the insurer with respect to a claim.

20 (4) "Nonoriginal equipment manufacturer (non-OEM) aftermarket crash  
21 part" means a replacement part not made for or by the manufacturer of the mo-  
22 tor vehicle.

23 (5) "Repair facility" means any motor vehicle dealer, garage, body shop  
24 or other commercial entity ~~which that~~ undertakes the repair or replacement  
25 of those parts that generally constitute the exterior of a motor vehicle.

26 SECTION 2. That Section 41-1328D, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 41-1328D. USE OF PARTS -- DISCLOSURE. It shall be an unfair claim set-  
29 tlement practice for an insurer to specify the use of nonoriginal equipment  
30 manufacturer aftermarket crash parts in the repair of an ~~insured's~~ insured  
31 person's motor vehicle, or for a repair facility or installer to use non-OEM  
32 aftermarket crash parts to repair a vehicle, if the consumer has not been ad-  
33 vised in writing. In all instances where non-OEM aftermarket crash parts are  
34 intended for use by an insurer:

35 (1) The written estimate shall clearly identify each such part intended  
36 for use 7i and

37 (2) A disclosure document containing the following information in ten  
38 (10) point or larger type shall appear on or be attached to the ~~insured's~~  
39 insured person's copy of the estimate:

1            "This estimate has been prepared based on the use of crash  
2 parts supplied by a source other than the manufacturer of  
3 your motor vehicle. Warranties applicable to these replace-  
4 ment parts are provided by the manufacturer or distributor  
5 of these parts rather than the manufacturer of your vehicle.  
6 Please note that the use of nonoriginal equipment manufac-  
7 turer (non-OEM) crash parts may affect the safety and per-  
8 formance of your vehicle. It is recommended that you consult  
9 with a qualified industry expert or repair shop before making  
10 any decisions regarding the use of non-OEM crash parts."

11            SECTION 3. An emergency existing therefor, which emergency is hereby  
12 declared to exist, this act shall be in full force and effect on and after  
13 July 1, 2024.