

2019 -- H 6054

LC002485

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- MOTOR VEHICLE REPAIR SHOP
ACT

Introduced By: Representatives Azzinaro, Kennedy, Shekarchi, Edwards, and
Blazejewski

Date Introduced: May 02, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-38.3-3 of the General Laws in Chapter 5-38.3 entitled "Motor
2 Vehicle Repair Shop Act" is hereby amended to read as follows:

3 **5-38.3-3. Obligations of motor vehicle repair shop.**

4 The repair shop shall:

5 (1)(i) Upon request of any customer make an estimate, in writing, of the parts and labor
6 necessary for each specific repair or service offered and not charge for work done or parts
7 supplied in excess of the estimate without the consent of the customer. The repair shop may
8 charge a reasonable fee for making an estimate. The repair shop may elect to apply the estimate
9 fee to services actually performed. The estimate shall contain the following information: the
10 customer's name, the name of the repair shop, the date of the estimate, a list of parts necessary for
11 each specific repair together with the costs for each part, indicating any parts which are not new
12 parts of at least original equipment quality, the labor charge for each repair together with the costs
13 of each labor charge, year and make of vehicle, registration plate number or vehicle identification
14 number, a description of the problem reported by the customer, and a statement informing the
15 customer of his or her right to receive replaced parts if the customer makes a written request for
16 such return. All information on an estimate must be legible;

17 (ii) Written estimates must indicate the hourly labor charge and how it is computed, i.e.,
18 by clock hours or flat rate. If a flat rate, the manual used must be specified. A repair shop may

1 utilize a job rate which covers both labor and parts on mechanical and electrical repairs costing
2 less than two hundred dollars (\$200). When a job rate is used, a list of parts must be included in
3 the estimate and invoice;

4 (iii) If a flat rate is used, the consumer shall be shown relevant time rates as listed in the
5 manual, on request;

6 (iv) A customer may not be charged for storage or automotive repair unless notice, in
7 writing, is given. Notice may be given by a statement on an estimate or other document given the
8 customer, by letter or by other written means which gives the customer actual notice. Storage
9 may not be charged during the period from which the customer has authorized repairs to one
10 business day after the repair shop has notified the customer to pick up the repaired vehicle;

11 (v) Upon reasonable notice, a customer may remove a vehicle from a repair shop during
12 the shop's business hours upon paying for: (A) labor actually performed; (B) parts actually
13 installed; (C) parts ordered specifically for the customer's car if the order is not cancelable or the
14 parts not returnable for cash or credit; and (D) storage charges imposed in accordance with
15 paragraph (iv) of this subdivision;

16 (vi) If a motor vehicle repair shop has properly charged its customers a storage fee and
17 over thirty (30) days of storage have elapsed, then the repair shop shall be authorized to sell the
18 stored vehicle at a commercially reasonable sale. The proceeds generated by the sale shall be first
19 used to pay any liens, then the accruing unpaid storage charges, with the balance, if any, to be
20 distributed to the car owner.

21 (2) Not perform any services not authorized by the customer by a work order. If a repair
22 shop prepares a written work order, a copy shall be given to the customer. If a written work order
23 is prepared by the customer, the work order shall be attached to the invoice. If the customer gives
24 an oral work order, the oral work order shall be noted on the invoice and shall include the date,
25 time, and manner of authorization and by whom the authorization was given;

26 (3) Provide the customer with an invoice. An invoice shall contain the following
27 information: the name and address of the repair shop, the date of the invoice, the date the vehicle
28 was presented to the repair shop for repair or services, a list of all parts supplied and labor
29 performed, including the cost for each part and labor, a notation indicating the status of any part
30 used which is not new and of at least original quality (i.e., used, rebuilt, etc.), the odometer
31 reading on the vehicle at the time it was left with the repair shop and the odometer reading at the
32 time the invoice was prepared, a promised date of delivery, if any date was given, the name of the
33 customer, year and make of the vehicle, the terms and time limit of any guarantee for the repair
34 work performed, a description of the problem reported by the customer. A repair performed under

1 warranty requires an invoice, which complies with this subdivision. All information on an invoice
2 must be legible;

3 (4) Return replaced parts if a timely written demand is made by the customer. If work is
4 authorized over the telephone, it shall be presumed that the customer wants his or her parts
5 returned and the repair shop shall keep these parts until the customer or his or her agent appears
6 to retrieve the motor vehicle, at which time the replaced parts shall be given to the customer if he
7 or she directs. This subdivision does not apply to parts, components, or equipment normally sold
8 on an exchange basis or subject to a manufacturer's warranty;

9 (5) Operate the vehicle while in its possession only in accordance with the direction of
10 the customer or as is necessary to repair or road test the vehicle;

11 (6) Make repairs covered by guarantee;

12 (7) Not commit fraud or engage in deceptive practices.

13 (8) Upon request of any customer, make available for inspection the time cards used in
14 making any automobile repairs.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would allow a motor vehicle repair shop owner to sell, at a commercially
2 reasonable sale, a customer's vehicle if they fail to pay over thirty (30) days of properly charged
3 storage fees.

4 This act would take effect upon passage.

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