

SENATE FILE NO. SF0095

Aftermarket parts.

Sponsored by: Senator(s) Nethercott, Pappas and Schuler and
Representative(s) Blake, Clausen, Furphy,
Loucks, Olsen, Tass and Zwonitzer

A BILL

for

1 AN ACT relating to insurance; providing standards for the use
2 of aftermarket parts in automobile damage repairs; requiring
3 disclosure when any use is proposed of a nonoriginal
4 manufacturer part; requiring that all aftermarket parts be
5 identified and be of the same quality as the original part;
6 and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 26-13-401 through 26-13-405 are created
11 to read:

12

13

ARTICLE 4

14

AFTERMARKET PARTS

15

1 **26-13-401. Definitions.**

2

3 (a) As used in this article:

4

5 (i) "Aftermarket part" means any non-OEM sheet
6 metal or plastic parts that generally constitute the exterior
7 of a motor vehicle, including inner and outer panels.
8 "Aftermarket part" shall not include tires, windshields or
9 windows;

10

11 (ii) "Insurer" includes an insurance company and
12 any person authorized to represent the insurer with respect
13 to a claim who is acting within the scope of the person's
14 authority;

15

16 (iii) "Nonoriginal manufacturer" or "non-OEM"
17 means a manufacturer other than the original equipment
18 manufacturer of the part.

19

20 **26-13-402. Identification.**

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22 No insurer shall directly or indirectly require the use of
23 any aftermarket part that does not carry sufficient permanent

1 identification to identify its manufacturer. The
2 identification shall be accessible to the extent possible
3 after installation.

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5 **26-13-403. Use of aftermarket parts.**

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7 (a) An insurer shall not require the use of aftermarket
8 parts in the repair of an automobile unless the aftermarket
9 part is at least equal in kind and quality to the original
10 part in terms of fit, quality and performance. Insurers
11 specifying the use of aftermarket parts shall consider the
12 cost of any modifications that may become necessary when
13 making the repair.

14

15 (b) An insurer shall not be required to pay any
16 additional cost of an original equipment manufacturer part
17 when an aftermarket part equal in kind and quality in terms
18 of fit, quality and performance is available. The insured may
19 require installation of an original manufacturer part, but
20 shall pay any additional cost of an original equipment
21 manufacturer part if not covered pursuant to the terms of the
22 insuring agreement.

23

1 **26-13-404. Disclosure.**

2

3 (a) The insurer shall disclose to the claimant in
4 writing, either on the estimate or on a separate document
5 attached to the estimate the following information in at least
6 ten (10) point bold type font:

7

8 **THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AUTOMOBILE**
9 **PARTS NOT MADE BY THE ORIGINAL MANUFACTURER. PARTS USED IN**
10 **THE REPAIR OF YOUR VEHICLE BY OTHER THAN THE ORIGINAL**
11 **MANUFACTURER ARE REQUIRED TO BE AT LEAST EQUAL IN KIND AND**
12 **QUALITY IN TERMS OF FIT, QUALITY AND PERFORMANCE TO THE**
13 **ORIGINAL MANUFACTURER PARTS THEY ARE REPLACING.**

14

15 (b) All aftermarket parts installed on the vehicle
16 shall be clearly identified on the estimate of the repair.

17

18 **26-13-405. Enforcement.**

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20 Any violation of this article shall be enforced through the
21 Unfair Trade Practices Act, W.S. 26-13-101 through 26-13-125.

22

1 **Section 2.** This act is effective July 1, 2019.

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3

(END)