

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.**

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3           (a) As used in this article:

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5                   (i) "Aftermarket part" includes, but is not  
6 limited to, any non-OEM sheet metal, plastic, composite,  
7 fiberglass or carbon fiber parts that generally constitute  
8 the exterior of a motor vehicle, including inner and outer  
9 panels. "Aftermarket part" shall not include tires,  
10 windshields or windows;

11

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

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

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21           **26-13-402. Identification.**

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1 No insurer shall directly or indirectly require the use of  
2 any aftermarket part that does not carry sufficient permanent  
3 identification to identify its manufacturer. The  
4 identification shall be accessible to the extent possible  
5 after installation.

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7 **26-13-403. Use of aftermarket parts.**

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

17

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

1 manufacturer part if not covered pursuant to the terms of the  
2 insuring agreement.

3

4 **26-13-404. Disclosure.**

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6 (a) The insurer shall disclose to the claimant in  
7 writing, and the claimant shall sign or acknowledge receipt,  
8 either on the estimate or on a separate document attached to  
9 the estimate the following information in at least ten (10)  
10 point bold type font:

11

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

18

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

21

22 **26-13-405. Enforcement.**

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

3

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

5

6

(END)