

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 1091

Short Title: Clarify Auto Repair Bill of Rights.

(Public)

Sponsors: Senator Miller.

Referred to: Judiciary II.

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTOMOTIVE BILL OF RIGHTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-354.1 reads as rewritten:

"§ 20-354.1. Scope and application.

This act shall apply to all motor vehicle repair shops in North Carolina, except:

...

(7) ~~When an insurer has authorized a motor vehicle repair shop to perform the repair and had agreed to pay the cost of the repair~~ a customer indicates to a motor vehicle repair shop that the repairs will be paid for by an insurer or under a service contract, mechanical breakdown contract, or manufacturer's warranty, and the customer further indicates that the customer's share of the cost of repairs, if any, will not exceed three hundred fifty dollars (\$350.00)."

SECTION 2. G.S. 20-354.3(b) reads as rewritten:

"(b) The information required by subsection (a) of this section need not be provided if the customer waives in writing his or her right to receive a written estimate. A customer may waive his or her right to receive any written estimates from a motor vehicle repair shop for the particular repairs being made at the time, for any repairs made anytime in the future, or for a period of time specified by the customer in the waiver."

SECTION 3. G.S. 20-354.3(d) reads as rewritten:

"(d) If the customer leaves his or her motor vehicle at a motor vehicle repair shop during hours when the shop is not ~~open~~ open, or if the motor vehicle repair shop reasonably believes that an accurate estimate of the cost of repairs cannot be made until after the diagnostic work has been completed, or if the customer permits the shop or another person to deliver the motor vehicle to the shop, there shall be an implied partial waiver of the written estimate; however, upon completion of the diagnostic work

1 necessary to estimate the cost of repair, the shop shall notify the customer as required by
2 G.S. 20-354.5(a)."

3 **SECTION 4.** G.S. 20-354.5(b) reads as rewritten:

4 "(b) If a customer cancels the order for repair or, after diagnostic work is
5 performed, decides not to have the repairs performed, and if the customer authorizes the
6 motor vehicle repair shop to reassemble the motor vehicle, the shop shall expeditiously
7 reassemble the motor vehicle in a condition reasonably similar to the condition in which
8 it was ~~received unless the reassembled vehicle would be unsafe.~~received."

9 After cancellation of the repair order or a decision by the customer not to have
10 repairs made after diagnostic work has been performed, the shop may charge for and the
11 customer is obligated to pay the cost of repairs actually completed that were authorized
12 by the written repair estimate as well as the cost of diagnostic work and teardown, the
13 cost of parts and labor to replace items that were destroyed by teardown, and the cost to
14 reassemble the component or the vehicle, provided the customer was notified of these
15 possible costs in the written repair estimate or at the time the customer authorized the
16 motor vehicle repair shop to reassemble the motor vehicle.

17 **SECTION 5.** G.S. 20-354.5(e) reads as rewritten:

18 "(e) Upon request made at the time the repair work is authorized by the customer,
19 the customer is entitled to inspect parts removed from his or her vehicle or, if the shop
20 has no warranty arrangement or exchange parts program with a manufacturer, supplier,
21 or distributor, have them returned to him or her. A motor vehicle repair shop may
22 discard parts removed from a customer's vehicle or sell them and retain the proceeds for
23 the shop's own account if the customer fails to take possession of the parts at the shop
24 within 48 hours after the shop has given the customer oral or written notification that
25 the parts are available for the customer to inspect."

26 **SECTION 6.** G.S. 20-354.6 reads as rewritten:

27 "**§ 20-354.6. Invoice required of motor vehicle repair shop.**

28 The motor vehicle repair shop shall provide each customer, upon completion of any
29 repair, with a legible copy of an invoice for such repair. The invoice shall include the
30 following information:

- 31 (1) A statement indicating what was done to correct the problem or a
32 description of the service provided.
- 33 (2) An itemized description of all labor, parts, and merchandise supplied
34 and ~~the costs thereof, indicating what is supplied to the customer~~
35 ~~without cost or at a reduced cost because of a shop or manufacturer's~~
36 ~~warranty.~~their costs. No itemization or description is required for
37 labor, parts, and merchandise supplied when a customer has indicated
38 to the motor vehicle repair shop that the repairs will be paid for by an
39 insurer, under a service contract, under a mechanical breakdown
40 contract, or manufacturer's warranty.
- 41 (3) A statement identifying any replacement part as being used, rebuilt, or
42 reconditioned, as the case may be."

43 **SECTION 7.** This act is effective when it becomes law.