

House Bill 1173

By: Representative Rice of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 33-6-5 of the Official Code of Georgia Annotated, relating to other
2 unfair methods of competition and unfair and deceptive acts or practices, so as to provide for
3 consumer protections related to aftermarket emissions parts and aftermarket safety parts; to
4 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 33-6-5 of the Official Code of Georgia Annotated, relating to other unfair
9 methods of competition and unfair and deceptive acts or practices, is amended by repealing
10 paragraph (13) and enacting a new paragraph to read as follows:

11 "(13)(A) As used in this paragraph, the term:

12 (i) 'Aftermarket crash part' means a crash part made by any manufacturer other than
13 the original vehicle manufacturer or his or her supplier.

14 (ii) 'Aftermarket emission part' means an emissions part made by any manufacturer
15 other than the original vehicle manufacturer or his or her supplier.

16 (iii) 'Aftermarket safety part' means a safety part made by any manufacturer other
17 than the original vehicle manufacturer or his or her supplier.

18 (iv) 'Crash part' means a replacement for any of the nonmechanical sheet metal or
19 plastic parts which generally constitute the exterior of a motor vehicle, including inner
20 and outer panels.

21 (v) 'Emissions part' means a part related to the control, monitoring, and release of
22 waste gases and particles created as a byproduct of combustion including oxygen
23 sensors, catalytic converters, exhaust pipes, exhaust manifold, fuel distributor,
24 electronic emissions control unit or computer (ECU), onboard emissions diagnostic
25 device or computer (OBD), and parts and components related thereto.

26 (vi) 'Insurer' includes an insurance company and any person authorized to represent
27 the insurer with respect to a claim and who is acting within the scope of the person's
28 authority.

29 (vii) 'Nonoriginal equipment manufacturer aftermarket crash part' means an
30 aftermarket crash part made by any manufacturer other than the original vehicle
31 manufacturer or his or her supplier.

32 (viii) 'Repair facility' means a motor vehicle dealer, garage, body shop, or other
33 commercial entity which undertakes the repair or replacement of those parts that
34 generally constitute the exterior of a motor vehicle.

35 (ix) 'Safety part' means a part essential to vehicle operation, suspension, electronic
36 control units, brake parts, safety systems, and supplemental restraint system
37 components.

38 (B) Any aftermarket crash part manufactured or supplied for use in this state, shall
39 have affixed thereto or inscribed thereon the logo, identification number, or name of its
40 manufacturer. Such manufacturer's logo, identification number, or name shall be
41 visible after installation whenever practicable.

42 (C) Any aftermarket emissions part or aftermarket safety part manufactured or supplied
43 for use in this state on or after January 1, 2015, shall have affixed thereto or inscribed
44 thereon the logo, identification number, or name of its manufacturer. Such
45 manufacturer's logo, identification number, or name shall be visible after installation
46 whenever practicable.

47 (D) In all instances where aftermarket crash parts, aftermarket emissions parts or
48 aftermarket safety parts are used in preparing an estimate for repairs the written
49 estimate prepared by the insurance adjuster and repair facility shall clearly identify each
50 such part. A disclosure document attached to the estimate shall contain the following
51 information in no smaller than ten-point type:

52 'THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF
53 AFTERMARKET CRASH PARTS, AFTERMARKET EMISSIONS PARTS,
54 AND/OR AFTERMARKET SAFETY PARTS SUPPLIED BY A SOURCE OTHER
55 THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THE
56 AFTERMARKET CRASH PARTS, AFTERMARKET EMISSIONS PARTS,
57 AND/OR AFTERMARKET SAFETY PARTS USED IN THE PREPARATION OF
58 THIS ESTIMATE ARE WARRANTED BY THE MANUFACTURER OR
59 DISTRIBUTOR OF SUCH PARTS RATHER THAN THE MANUFACTURER OF
60 YOUR VEHICLE.'; and"

61 **SECTION 2.**

62 This Act shall become effective on July 1, 2012.

63 **SECTION 3.**

64 All laws and parts of laws in conflict with this Act are repealed.