

# HOUSE BILL 1258

C4

6lr2939

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By: **Delegate Impallaria**

Introduced and read first time: February 12, 2016

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Liability Insurance – Replacement Parts for Damaged Motor**  
3 **Vehicles**

4 FOR the purpose of requiring an insurer that issues or delivers in the State a policy of  
5 motor vehicle liability insurance that provides coverage for the repair of physical  
6 damage to the insured motor vehicle to authorize certain repairs to be made using  
7 certain genuine crash parts; prohibiting the insurer from requiring certain repairs  
8 to be made using certain aftermarket crash parts or crash parts that are not certified  
9 aftermarket crash parts; authorizing an insured to consent in a certain manner to  
10 the use of certain aftermarket crash parts; providing for the application of certain  
11 provisions of this Act; defining certain terms; providing for a delayed effective date;  
12 and generally relating to repairs of damage to motor vehicles insured under policies  
13 of motor vehicle liability insurance.

14 BY adding to  
15 Article – Insurance  
16 Section 27–908  
17 Annotated Code of Maryland  
18 (2011 Replacement Volume and 2015 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 **Article – Insurance**

22 **27–908.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
24 **INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) “AFTERMARKET CRASH PARTS” MEANS CRASH PARTS:**

2                   **(I) THAT ARE MANUFACTURED BY A PERSON OTHER THAN THE**  
3 **ORIGINAL MANUFACTURER OF THE MOTOR VEHICLE TO BE REPAIRED; AND**

4                   **(II) FOR WHICH THE ORIGINAL MANUFACTURER OF THE MOTOR**  
5 **VEHICLE HAS NOT AUTHORIZED THE USE OF ITS NAME OR TRADEMARK BY THE**  
6 **MANUFACTURER OF THE CRASH PARTS.**

7           **(3) “CERTIFIED AFTERMARKET CRASH PARTS” MEANS CRASH PARTS**  
8 **THAT ARE:**

9                   **(I) CERTIFIED TO STANDARDS:**

10                   **1. ESTABLISHED AND MADE PUBLICLY AVAILABLE BY A**  
11 **NATIONALLY ACCREDITED DEVELOPER OF STANDARDS FOR CRASH PARTS THAT IS**  
12 **EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE;**  
13 **AND**

14                   **2. DEVELOPED IN A CONSENSUS BASED PUBLIC FORUM**  
15 **THAT ALLOWS FOR PUBLIC COMMENT;**

16                   **(II) SUBJECT TO REGULAR TESTING BY AN INDEPENDENT**  
17 **THIRD-PARTY TESTING FACILITY TO VALIDATE COMPLIANCE WITH THE STANDARDS**  
18 **DESCRIBED IN ITEM (I) OF THIS PARAGRAPH; AND**

19                   **(III) IDENTIFIED BY A HIGHLY VISIBLE CERTIFICATION MARK**  
20 **WITH A NUMBER THAT IS:**

21                   **1. UNIQUE TO A PARTICULAR CRASH PART; AND**

22                   **2. DESIGNED TO MAINTAIN A RECORD OF THE CRASH**  
23 **PART SO THAT THE CRASH PART IS TRACEABLE TO THE ORIGINAL MANUFACTURER**  
24 **OF THE CRASH PART.**

25           **(4) (I) “CRASH PARTS” MEANS EXTERIOR OR INTERIOR SHEET**  
26 **METAL OR FIBERGLASS PANELS AND PARTS THAT FORM THE SUPERSTRUCTURE OR**  
27 **BODY OF A MOTOR VEHICLE.**

28                   **(II) “CRASH PARTS” INCLUDES:**

29                   **1. FENDERS;**

- 1                   2.     BUMPERS;
- 2                   3.     DOOR PANELS;
- 3                   4.     HOODS;
- 4                   5.     GRILLS;
- 5                   6.     WHEEL WELLS; AND
- 6                   7.     FRONT AND REAR LAMP DISPLAY PANELS.

7                   (5)    “GENUINE CRASH PARTS” MEANS CRASH PARTS THAT ARE:

8                           (I)    MANUFACTURED BY OR FOR THE ORIGINAL  
9    MANUFACTURER OF THE MOTOR VEHICLE TO BE REPAIRED; AND

10                           (II)   AUTHORIZED TO CARRY THE NAME OR TRADEMARK OF THE  
11   ORIGINAL MANUFACTURER OF THE MOTOR VEHICLE.

12                   (B)   (1)   SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INSURER  
13   THAT ISSUES OR DELIVERS IN THE STATE A POLICY OF MOTOR VEHICLE LIABILITY  
14   INSURANCE THAT PROVIDES COVERAGE FOR THE REPAIR OF PHYSICAL DAMAGE TO  
15   THE INSURED MOTOR VEHICLE:

16                           (I)    DURING THE 2-YEAR PERIOD AFTER A MOTOR VEHICLE’S  
17   DATE OF MANUFACTURE, SHALL AUTHORIZE REPAIRS TO BE MADE TO THE INSURED  
18   MOTOR VEHICLE USING GENUINE CRASH PARTS SUFFICIENT TO MAINTAIN THE  
19   MANUFACTURER’S WARRANTY FOR FIT, FINISH, STRUCTURAL INTEGRITY,  
20   CORROSION RESISTANCE, DENT RESISTANCE, AND CRASH PERFORMANCE; AND

21                           (II)   AFTER THE 2-YEAR PERIOD SPECIFIED IN ITEM (I) OF THIS  
22   PARAGRAPH, MAY NOT REQUIRE REPAIRS TO BE MADE TO THE INSURED MOTOR  
23   VEHICLE USING AFTERMARKET CRASH PARTS OR CRASH PARTS THAT ARE NOT  
24   CERTIFIED AFTERMARKET CRASH PARTS.

25                   (2)    AN INSURED MAY CONSENT IN WRITING AT THE TIME OF REPAIR  
26   OF THE INSURED MOTOR VEHICLE TO THE USE OF AFTERMARKET CRASH PARTS OR  
27   CRASH PARTS THAT ARE NOT CERTIFIED AFTERMARKET CRASH PARTS.

28                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29   January 1, 2017.