

HOUSE BILL No. 2913

By Representative Welshimer

2-13

AN ACT concerning motor vehicles; requiring repair estimates; notification of changes in excess of repair estimates; inspection of parts; unlawful acts and practices and remedies.

Be it enacted by the Legislature of the State of Kansas:

Section 1. When any customer requests a motor vehicle repair shop to perform repair work on a motor vehicle, the cost of which repair work will exceed \$50 to the customer, the shop shall prepare a written repair estimate, which is a form setting forth the estimated cost of repair work, including diagnostic work, before effecting any diagnostic work or repair. The written repair estimate shall also include:

- (a) The proposed work completion date;
- (b) a general description of the customer's problem or request for repair work or service relating to the motor vehicle;
- (c) a statement indicating what, if anything, is guaranteed in connection with the repair work and the time and mileage period for which the guarantee is effective;
- (d) a statement allowing the customer to indicate whether replaced parts should be saved for inspection or return; and
- (e) a statement indicating the daily charge for storing the customer's motor vehicle after the customer has been notified that the repair work has been completed. However, no storage charges shall accrue or be due and payable for a period of three working days from the date of such notification.

Sec. 2. It shall be unlawful for any motor vehicle repair shop or employee thereof to:

- (a) Make or charge for repairs which have not been expressly or impliedly authorized by the customer;
- (b) misrepresent that repairs have been made to a motor vehicle;
- (c) misrepresent that certain parts and repairs are necessary to repair a vehicle;
- (d) misrepresent that the vehicle being inspected or diagnosed is in a dangerous condition or that the customer's continued use of the vehicle may be harmful or cause great damage to the vehicle.
- (e) fraudulently alter any customer contract, estimate, invoice or

1 other document;

2 (f) make or authorize in any manner or by any means whatever any
3 written or oral statement which is untrue, deceptive or misleading, and
4 which is known, or which by the exercise of reasonable care should be
5 known, to be untrue, deceptive or misleading;

6 (g) make false promises of a character likely to influence, persuade
7 or induce a customer to authorize the repair, service or maintenance of
8 a motor vehicle;

9 (h) substitute used, rebuilt, salvaged or straightened parts for new
10 replacement parts without notice to the motor vehicle owner;

11 (i) cause or allow a customer to sign any work order that does not
12 state the repairs requested by the customer or the automobile's odometer
13 reading at the time of repair;

14 (j) willfully depart from or disregard accepted practices and profes-
15 sional standards;

16 (k) rebuild or restore a rebuilt vehicle without the knowledge of the
17 owner in such a manner that it does not conform to the original vehicle
18 manufacturer's established repair procedures or specifications and allow-
19 able tolerances for the particular model and year; or

20 (l) perform any other act that constitutes fraud or misrepresentation.

21 Sec. 3. (a) Any customer injured by a violation of section 2, and
22 amendments thereto, may bring an action in the appropriate court for
23 relief. The prevailing party in that action may be entitled to damages plus
24 court costs and reasonable attorney's fees. The customer may also bring
25 an action for injunctive relief in the district court.

26 (b) This act shall be a part of and supplemental to the Kansas con-
27 sumer protection act.

28 Sec. 4. This act shall take effect and be in force from and after its
29 publication in the statute book.

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