

## HOUSE BILL No. 2652

By Committee on Transportation

1-23

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- 9 AN ACT establishing the motor vehicle damage appraisal act.  
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- 11 *Be it enacted by the Legislature of the State of Kansas:*
- 12 Section 1. Sections 1 through 6, and amendments thereto, may be  
13 cited as the motor vehicle physical damage appraisal act.
- 14 Sec. 2. As used in this act:
- 15 (a) "After market part" means replacement sheet metal or plastic  
16 parts which are not made by or for the original equipment manufacturer  
17 and which generally constitute the exterior or provide support for the  
18 exterior of a motor vehicle, including inner and outer panels;
- 19 (b) "New part" means a part or component manufactured or supplied  
20 by the original motor vehicle manufacturer in an unused condition;
- 21 (c) "pattern and practice" means a mixture of factors as to quantity,  
22 frequency and similar acts;
- 23 (d) "physical damage appraisal" means all diagnosis that is commonly  
24 performed by a motor vehicle physical damage appraiser to diagnose the  
25 repair of a motor vehicle to a condition similar to the motor vehicle con-  
26 dition prior to the damage or deterioration including, but not limited to,  
27 the diagnosis, installation, exchange, repair or refinishing of exterior body  
28 panels, trim, lighting and structural chassis;
- 29 (e) "physical damage appraiser" means any person, firm, association  
30 or corporation that engages in the business of preparation of an appraisal  
31 of damages for motor vehicle physical damage;
- 32 (f) "reasonable basis" means:
- 33 (1) The repair service is consistent with specifications established by  
34 law or the manufacturer of the motor vehicle, component or part; and
- 35 (2) the repair is in accordance with usual and customary services;
- 36 (g) "rebuilt part" or "reconditioned part" means a used part that has  
37 been inspected and remanufactured to restore functionality and  
38 performance;
- 39 (h) "repaired part" means a part on the original damaged motor ve-  
40 hicle that has been returned to its original form, fit, functionality and  
41 appearance by industry-accepted methods of repair;
- 42 (i) "used part" means an original motor vehicle manufacturer part or  
43 component removed from a motor vehicle of similar make, model and

1 condition without the benefit of being rebuilt or remanufactured.

2 Sec. 3. (a) Every motor vehicle physical damage appraiser shall:

3 (1) Give to each consumer a written appraisal for labor and parts for  
4 a specific repair; and (2) if at a repair facility, a physical damage appraiser  
5 shall leave a written copy of the appraisal at the time of the inspection  
6 with the repair facility and present a copy of the appraisal to the motor  
7 vehicle owner as soon as is practical following the inspection.

8 (b) Physical damage appraisers shall describe in the appraisal the ma-  
9 jor parts needed to effectuate the repair and shall designate and indicate  
10 the parts as either new parts, used parts, rebuilt, repaired, reconditioned  
11 parts or after market parts.

12 (c) Appraisals shall indicate that the physical damage appraiser used  
13 a published flat rate manual or automated system accepted by the collision  
14 and insurance industry to determine the cost of repairs to a motor vehicle.  
15 The flat rate manual or automated system shall be used in its entirety and  
16 without modifications to establish the cost of repairs to a motor vehicle.  
17 This is not to be construed as interfering with any direct repair contract  
18 that a repair facility may have with an insurance company or fleet owner.

19 (d) If it is necessary to disassemble or partially disassemble a motor  
20 vehicle or motor vehicle component in order to provide the consumer a  
21 written appraisal for necessary repairs, the appraisal shall also show the  
22 cost of any disassembly, diagnostics, storage and administrative fees  
23 should the consumer elect not to proceed with the repair of the motor  
24 vehicle at the facility preparing the appraisal.

25 (e) The appraisal shall include the date the estimate was prepared,  
26 the odometer reading and vehicle identification number on the motor  
27 vehicle at the time the appraisal was prepared.

28 Sec. 4. (a) An appraisal of the damage shall be presented to the con-  
29 sumer at the time of the appraisal, or if at a repair facility, at the time of  
30 inspection of the motor vehicle, and to the motor vehicle owner within a  
31 reasonable time disclosing to the prospective consumer the appraised  
32 price quotation for repairs with the following statement included or at-  
33 tached with the consumer's signature:

34 "You are entitled to an appraisal for the repairs needed to restore your  
35 motor vehicle to a condition similar to the motor vehicle condition prior  
36 to the damage or deterioration. You are also entitled by law to select the  
37 repair facility of your choice to do the repairs."

38 (b) If it is determined that the appraisal is insufficient because of  
39 unforeseen circumstances, the consumer is entitled to full disclosure of  
40 the cost of additional parts or labor needed to repair the motor vehicle.

41 Sec. 5. It shall be a violation of this act for a motor vehicle physical  
42 damage appraiser to exhibit a pattern or practice of preparing written  
43 appraisals underestimating the final costs of repairs by more than 10% as

1 established by a reasonable basis.

2 Sec. 6. (a) Any violation of this act is a deceptive act or practice under  
3 the Kansas consumer protection act.

4 (b) This act shall be a part of and shall be supplemental to the Kansas  
5 consumer protection act.

6 Sec. 7. This act shall take effect and be in force from and after its  
7 publication in the statute book.