

HOUSE BILL NO. 260

INTRODUCED BY B. EBINGER

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A MOTOR VEHICLE REPAIR SHOP TO PROVIDE A CUSTOMER WITH A WRITTEN REPAIR ESTIMATE; REQUIRING THE PRIOR CONSENT OF A CUSTOMER FOR REPAIRS EXCEEDING THE WRITTEN ESTIMATE BY MORE THAN 10 PERCENT; AND PROVIDING THAT A VIOLATION BY A MOTOR VEHICLE REPAIR SHOP IS A VIOLATION OF THE MONTANA UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION ACT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Written motor vehicle repair estimate and disclosure required. (1)

When a customer requests a motor vehicle repair shop to perform repair work on a motor vehicle and the cost of the repair work will exceed \$100, the repair shop shall prepare a written repair estimate on a form setting forth the estimated cost of repair work, including diagnostic work, before undertaking any repair work or diagnostic work.

- (2) The written repair estimate must include the following:
 - (a) the name, address, and telephone number of the motor vehicle repair shop;
 - (b) the name, address, and telephone number of the customer;
 - (c) the date and time of the written repair estimate;
 - (d) the year, make, model, odometer reading, and license plate number of the motor vehicle;
 - (e) the proposed work completion date;
 - (f) a general description of the customer's problem or request for repair work or service relating to the motor vehicle;
 - (g) a statement as to whether the customer is being charged according to a flat rate or an hourly rate, or both;
 - (h) the estimated cost of the repairs, which must include any charge for shop supplies or for hazardous or other waste removal;
 - (i) the charge for making a repair price estimate or, if the charge cannot be predetermined, the basis on which the charge will be calculated;

1 (j) a statement indicating what, if anything, is guaranteed in connection with the repair work and the time
2 and mileage period for which the guarantee is effective;

3 (k) a statement allowing the customer to indicate whether replaced parts should be saved for inspection
4 or return; and

5 (l) a statement indicating the daily charge for storing the customer's motor vehicle after the customer has
6 been notified that the repair work has been completed.

7 (3) The information required by subsection (2) is not required to be provided to a customer who waives,
8 in writing, the right to receive a written estimate.

9 (4) Except as provided in subsection (5), a copy of the written repair estimate must be given to the
10 customer before repair work is begun.

11 (5) If the customer leaves a motor vehicle at a motor vehicle repair shop during hours when the shop
12 is not open or if the customer permits the shop or another person to deliver the motor vehicle to the shop, there
13 is an implied partial waiver of the written estimate requirement with respect to diagnostic work if the customer
14 indicates that diagnostic work is to be done. However, upon completion of the diagnostic work necessary to
15 estimate the cost of the repairs, the shop shall provide the customer with a written repair estimate as provided
16 in subsection (1).

17 (6) This section may not be construed to require a motor vehicle repair shop to give a written repair
18 estimate if the motor vehicle repair shop does not agree to perform the requested repair.

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20 **NEW SECTION. Section 2. Charges in excess of written repair estimate -- penalty.** (1) A motor
21 vehicle repair shop may not exceed by more than 10% the amount set out for repairs and diagnostic work in a
22 written repair estimate without first obtaining the consent of the customer.

23 (2) A violation of the provisions of [section 1] or this section is an unfair trade practice and is subject to
24 the provisions of Title 30, chapter 14, part 1.

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26 **NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified
27 as an integral part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [sections 1 and 2].

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