

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MOTOR VEHICLE INSURANCE POLICIES TO PAY
5 FOR GENUINE CRASH PARTS IN REPAIRS OF MOTOR VEHICLES COVERED BY WARRANTY OR A LEASE
6 AGREEMENT; ALLOWING THE OWNER OR LESSOR OF A DAMAGED MOTOR VEHICLE TO OPT OUT OF
7 USING GENUINE CRASH PARTS IN CERTAIN REPAIRS; AND PROVIDING AN IMMEDIATE EFFECTIVE
8 DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **NEW SECTION. Section 1. Designation of repair parts and materials on certain motor vehicles**

13 -- **definition.** (1) Except as provided in subsection (2), an insurance company, including its producers and
14 adjusters, that issues or renews a policy of insurance in this state covering, in whole or in part, a motor vehicle
15 that is under warranty or covered by a lease agreement shall authorize repairs to be made to the insured motor
16 vehicle using genuine crash parts sufficient to maintain the manufacturer's warranty for fit, finish, structural
17 integrity, corrosion resistance, dent resistance, and crash performance.

18 (2) An insured may consent in writing at the time of repair of the insured motor vehicle to the use of
19 aftermarket crash parts unless the warranty or lease agreement prohibits the use of aftermarket crash parts in
20 a repair.

21 (3) For the purposes of this section, the following definitions apply:

22 (a) "Aftermarket crash parts" means exterior or interior sheet metal or fiberglass panels and parts that
23 form the superstructure or body of a motor vehicle and that are manufactured by an entity that:

- 24 (i) is not the original manufacturer of the motor vehicle that is to be repaired; and
- 25 (ii) is not authorized by the original manufacturer of the motor vehicle to use the original manufacturer's
26 name or trademark.

27 (b) "Genuine crash parts" means exterior or interior sheet metal or fiberglass panels and parts that form
28 the superstructure or body of a motor vehicle and that are manufactured by or under the authority of and
29 authorized by the original manufacturer of the motor vehicle to carry the name or trademark of the original
30 manufacturer of the motor vehicle.

