

JAN 20 2012

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE INSURANCE.

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

1 SECTION 1. Section 431:10C-313.6, Hawaii Revised Statutes,
2 is amended to read as follows:
3 "~~{}~~§431:10C-313.6~~{}~~ Original equipment manufacturer's
4 ~~[and like kind and quality]~~ parts~~[-]~~; used or aftermarket parts.
5 (a) An insurer shall make available a choice to the insured of
6 authorizing a repair provider to utilize a ~~[like kind and~~
7 ~~quality]~~ used or aftermarket part of an equal or better quality
8 than the original equipment manufacturer part if such part is
9 available or an original equipment manufacturer part for motor
10 vehicle body repair work. If the insured ~~[or claimant]~~ chooses
11 the use of an original equipment manufacturer part, the insured
12 ~~[or claimant]~~ shall pay the additional cost of the original
13 equipment manufacturer part that is in excess of the ~~[equivalent~~
14 ~~like kind and quality]~~ used or aftermarket part, unless the
15 vehicle is currently under the manufacturer's warranty or
16 original equipment parts are required by the vehicle
17 manufacturer's warranty.



1 (b) A [~~like kind and quality~~] used or aftermarket part
2 under subsection (a), of an equal or better quality than the
3 original equipment manufacturer part, shall carry a guarantee in
4 writing for the quality of the [~~like kind and quality~~] used or
5 aftermarket part for not less than [~~ninety days or for~~] the same
6 guarantee period as the original equipment manufacturer part[~~-~~
7 ~~whichever is longer~~]. The guarantee shall be provided by the
8 insurer.

9 (c) [~~Like kind and quality~~] Used or aftermarket parts,
10 certified or approved by governmental or industry organizations,
11 shall be utilized if available.

12 (d) As used in this section:

13 "Aftermarket part" means a new, unused part sold by a
14 manufacturer other than the original vehicle manufacturer.

15 "Original equipment manufacturer part" means a new, unused
16 part sold by the vehicle manufacturer.

17 "Used part" means an original equipment manufacturer part
18 which has been removed from a vehicle in which the part was
19 installed prior to its removal from the vehicle."

20 SECTION 2. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22



1 SECTION 3. This Act shall take effect upon its approval.

2
INTRODUCED BY: Malama Pen



S.B. NO. 2326

Report Title:

Motor Vehicle Insurance; Used or Aftermarket Parts

Description:

Requires insurers to make available the use of certain used or aftermarket parts instead of like kind and quality parts in motor vehicle body repairs.

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