**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 77, TITLE 38 SO AS TO REQUIRE NOTICE AND CONSENT FOR THE USE OF AFTERMARKET EMISSIONS AND AFTERMARKET SAFETY PARTS IN MOTOR VEHICLE REPAIRS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 77, Title 38 of the 1976 Code is amended by adding:

“Article 13

Notice and Consent to Use Aftermarket Emissions and Aftermarket Safety Parts in Motor Vehicle Repairs

Section 38‑77‑1310. As used in this chapter:

(1) ‘Aftermarket crash part’ means a crash part made by any manufacturer other than the original vehicle manufacturer or its supplier.

(2) ‘Aftermarket emissions part’ means an emissions part made by any manufacturer other than the original vehicle manufacturer or its supplier.

(3) ‘Aftermarket safety part’ means a safety part made by any manufacturer other than the original vehicle manufacturer or its suppliers.

(4) ‘Crash part’ means a replacement for any of the nonmechanical sheet metal or plastic parts which generally constitute the exterior of a motor vehicle, including inner and outer panels.

(5) ‘Emissions part’ means a replacement of parts or systems related to the control, monitoring and release of waste gases and particles created as a byproduct of combustion including, but not limited to, oxygen sensors, catalytic converters, exhaust pipes, exhaust manifold, fuel distributor, electronic emissions control unit or computer (ECU), onboard emissions diagnostic device or computer (OBD) and related parts and components.

(6) ‘Repair facility’ means a motor vehicle dealer, garage, body shop, or other commercial entity which undertakes the repair of a motor vehicle.

(7) ‘Safety part’ means a replacement of parts or systems essential to vehicle operation, suspension, electronic control units (ECU), brake parts, safety systems, and supplemental restraint system (SRS) components.

Section 38‑77‑1320. (A) In all instances where aftermarket emissions or aftermarket safety parts are used in preparing an estimate for automobile repairs, the written estimate prepared by the insurance adjuster and repair facility must clearly identify each part. A disclosure document attached to the estimate must contain the following information in no smaller than ten‑point type:

‘THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THE AFTERMARKET PARTS USED IN THE PREPARATION OF THIS ESTIMATE ARE WARRANTED BY THE MANUFACTURER OR DISTRIBUTOR OF SUCH PARTS RATHER THAN THE MANUFACTURER OF YOUR VEHICLE’.

(B) In all instances where aftermarket emissions or aftermarket safety parts are used in preparing an estimate for repairs, and the vehicle owner has been informed of the use of such parts as required in subsection (A), the vehicle owner must consent in writing to the use of the parts before the repair may be made.”

SECTION 2. This act takes effect upon approval by the Governor.

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