**South Carolina General Assembly**

119th Session, 2011-2012

**S. 912**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Knotts, Ford, Cleary, O'Dell, Pinckney, Nicholson, Campbell, Williams and Matthews

Document Path: l:\council\bills\ggs\22114zw11.docx

Introduced in the Senate on May 24, 2011

Currently residing in the Senate Committee on **Transportation**

Summary: Motor vehicle repair facilities

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/24/2011 Senate Introduced and read first time ([Senate Journal‑page 13](file:///h:\sj%20archive\2011\05-24-11.docx))

5/24/2011 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 13](file:///h:\sj%20archive\2011\05-24-11.docx))

**VERSIONS OF THIS BILL**

[5/24/2011](file:///p:\pprever\2011-12\912_20110524.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 33 TO TITLE 56 SO AS TO REQUIRE A MOTOR VEHICLE REPAIR FACILITY TO PROVIDE A CUSTOMER A WRITTEN ESTIMATE, TO REQUIRE CONSENT FROM THE CUSTOMER BEFORE SERVICE OR REPAIR BEGINS, TO PROHIBIT A MOTOR VEHICLE REPAIR FACILITY FROM EXCEEDING ITS APPROVED ESTIMATE, TO REQUIRE DISPLAY OF THESE REGULATIONS IN THE FACILITY, TO REQUIRE NOTICE OF USE OF “AFTER‑MARKET” OR USED PARTS, TO GIVE CUSTOMERS THE RIGHT TO INSPECT AND RETAIN REPLACED PARTS, AND TO PROVIDE REMEDIES AND PENALTIES FOR FAILURE TO COMPLY WITH THESE PROVISIONS.

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

SECTION 1. Title 56 of the 1976 Code is amended by adding:

“CHAPTER 33

Motor Vehicle Repair and Service

Section 56‑33‑10. For the purposes of this chapter:

(1) ‘Customer’ means a person contracting for, or intending to contract for, diagnoses, repairs, or services upon a motor vehicle used primarily for personal or business use.

(2) ‘Motor vehicle’ means every self‑propelled vehicle that is subject to registration, except ‘moped’, as defined in Sections 56‑1‑1710 and 56‑5‑165, and every device in, upon, or by which a person or property is or can be transported or drawn upon a highway by mechanical means.

(3) ‘Motor vehicle repair facility’ means a person, motor vehicle dealer, garage, body shop, or other service center engaged in diagnoses, repairs, or services to a motor vehicle for the purpose of making a profit.

Section 56‑33‑20. (A) Upon request by a customer, and before the commencement of repair work, including diagnostic work, on a motor vehicle for which a consumer is likely to be charged more than fifty dollars, the motor vehicle repair facility must furnish the customer a written statement of:

(1) a description of the problem or work as described or requested by the consumer;

(2) the estimated cost of parts necessary to complete the work with a substantially complete description of the work to be completed for the cost;

(3) the estimated cost of labor necessary to complete the work with a substantially complete description of the work to be completed for the cost; and

(4) the estimated completion time.

(B) If a customer requests an estimate, the repair facility may not undertake repair on the motor vehicle without oral or written authorization, other than limited diagnostic work that may be necessary for the preparation of an estimate. The customer may waive in writing his right to an estimate.

(C) When the estimate is for the purpose of, or includes diagnosing a motor vehicle malfunction, the written estimate must include the cost of diagnosis and disassembly and the cost of reassembly if the customer does not authorize the repair.

(D) When body parts are included in the estimate, the written estimate must state clearly if the parts were manufactured as original equipment parts for the motor vehicle, were manufactured as after‑market parts, or are used parts. When parts other than body parts are included in the estimate, the estimate must state clearly if the parts were manufactured as original replacement parts for the vehicle or are used parts.

(E) A motor vehicle repair facility may not charge for diagnoses, repairs, services, or other work exceeding the estimated amount by more than ten percent or fifty dollars, whichever is less, without oral or written consent from the customer. If consent is oral, the motor vehicle repair facility must make a notation on the work order of the date, time, name of person authorizing the additional work, telephone number called, specification of the additional parts and labor, and the total additional cost.

(F) If the customer cancels the order for work after being advised that the estimated amount will be exceeded by the lesser of ten percent or fifty dollars, the motor vehicle repair facility must reassemble expeditiously the motor vehicle in a condition reasonably similar to the condition in which it was received unless the customer waives reassembly. Costs attributable to the tear down and reassembly, including parts and labor, may be charged to the customer only if he was notified of these possible costs in the written estimate before the commencement of diagnostic work.

(G) A motor vehicle repair facility must display conspicuously in an area frequented by persons seeking diagnoses, repairs, or services on motor vehicles a sign, not less than twenty‑four point type in boldface letters, with the following:

‘SOUTH CAROLINA STATE LAW GIVES YOU, THE CUSTOMER, THE RIGHT TO ASK FOR AND TO RECEIVE A WRITTEN ESTIMATE OF TOTAL CHARGES FOR WORK ON YOUR CAR. IF YOU DO NOT WAIVE THIS RIGHT IN WRITING, NO WORK CAN BEGIN ON YOUR CAR WITHOUT YOUR CONSENT TO THE CHARGES, AND YOU CAN STOP THE WORK ON YOUR CAR IF THE CHARGES ARE MORE THAN TEN PERCENT OR FIFTY DOLLARS HIGHER THAN THE WRITTEN ESTIMATE. THE REPAIR FACILITY MAY NOT REFUSE TO RETURN YOUR CAR TO YOU IF YOU REFUSE TO PAY FOR CHARGES YOU DID NOT AGREE TO.’

Section 56‑33‑30. (A) Upon completion of service or repair work on a motor vehicle, including work performed pursuant to a warranty, a motor vehicle repair facility must provide the customer a written invoice that clearly indicates the work performed and the charges for parts and labor, separately stated, and that separately identifies those parts provided under warranty, not under warranty, and identifies those parts, if any, that are used, rebuilt, reconditioned, or after‑market parts.

(B) After‑market parts used in the service or repair work on a motor vehicle must be of like quality and kind and must have the same form, fit, and function as the part being replaced.

Section 56‑33‑40. A motor vehicle repair facility must offer, in connection with the written estimate, to return to the customer parts that are removed from the motor vehicle and replaced during the process of repair, except for a part that is required to be returned to a manufacturer or distributor pursuant to a warranty agreement, trade‑in agreement, or core‑charge agreement for a reconditioned part. The customer retains the right to inspect requested returned parts even if custody cannot be granted.

Section 56‑33‑50. Each motor vehicle repair facility must maintain records, estimates, and invoices of all diagnoses, services, and repairs performed on motor vehicles for one year following the date of delivery. These records must be available to the Department of Consumer Affairs upon request.

Section 56‑33‑60. An action brought pursuant to this chapter must be commenced within one year following the date of delivery of the motor vehicle to the consumer.

Section 56‑33‑70. Each violation of the provisions of this chapter is a separate prohibited practice and is punishable by a fine of not more than one thousand dollars. If it is determined by a court of competent jurisdiction that a violation is wilful, the court may impose a fine of not less than five hundred fifty dollars, or thirty days in jail, or both, for each violation.

Section 56‑33‑80. Notwithstanding other provisions of law, it is unlawful for a motor vehicle repair facility to fail to return a customer’s motor vehicle because the customer has refused to pay for unauthorized work or for work resulting in charges in excess of the written estimate by ten percent or fifty dollars.

Section 56‑33‑90. A motor vehicle repair facility may charge a fee not exceeding twenty‑five dollars for a written estimate if the customer chooses not to have the facility perform the requested work.”

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

‑‑‑‑XX‑‑‑‑