

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Introduced**

## **Senate Bill 49**

BY SENATOR SMITH

[Introduced January 9, 2019; Referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §46A-6B-3 of the Code of West Virginia, 1931, as amended, relating  
 2 to the use of aftermarket crash parts by a motor vehicle repair shop; and requiring new  
 3 original equipment parts be used in order to maintain the manufacturer’s warranty.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 6B. CONSUMER PROTECTION--AUTOMOTIVE CRASH PARTS.**

**§46A-6B-3. Genuine and aftermarket crash parts.**

1 For all motor vehicles requiring repair by motor vehicle body shops in the year of their  
 2 manufacture or in the two succeeding years thereafter, and those needed repairs will be paid in,  
 3 whole or in part, by an insurance company, motor vehicle body shops must use genuine ~~crash~~  
 4 new original equipment parts sufficient to maintain the manufacturer's new vehicle warranty for  
 5 fit, finish, structural integrity, corrosion resistance, dent resistance, and crash performance. ~~unless~~  
 6 ~~the motor vehicle owner consents in writing at the time of the repair to the use of aftermarket~~  
 7 ~~crash parts.~~ No An insurance company may not require the use of aftermarket crash parts when  
 8 negotiating repairs of the motor vehicle with any repairer for a period of ~~three years, the year the~~  
 9 ~~motor vehicle was manufactured and the two succeeding years thereafter unless the motor~~  
 10 ~~vehicle owner consents in writing at the time of the repair to the use of aftermarket crash parts~~  
 11 the current model year plus two years.

NOTE: The purpose of this bill is to require new original equipment parts be used in order to maintain the manufacturer's warranty.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.