



SPONSOR: Sen. Sokola
& Rep. Roy; Sens. Blevins,
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Buckworth, Maier, Miro, Quillen,
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DELAWARE STATE SENATE

140th GENERAL ASSEMBLY

SENATE BILL NO.

AN ACT TO AMEND TITLES 6 AND 18 OF THE DELAWARE CODE RELATING TO NON-MECHANICAL
AUTOMOTIVE REPAIR WORK.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 3916, Title 18, of the Delaware Code by designating the existing language therein as
2 subsection (a) and by adding the following subsections:

3 “(b) No insurance company, domestic or foreign, or any agent or employee shall, as a
4 condition of payment of a claim, require any automotive repair facilities to use any non-mechanical
5 parts other than original equipment manufactured (OEM) parts when performing any non-mechanical
6 auto repair work on a motor vehicle that is still covered by any manufacturer’s warranty, including any
7 manufacturer’s extended warranty.

8 (c) No insurance company, domestic or foreign, or any agent or employee shall require
9 any insured to authorize the use of non-OEM parts for any non-mechanical auto repair work performed
10 on a motor vehicle during the period of time the motor vehicle to be repaired is still covered by any
11 manufacturer’s warranty.

12 (d) As used in this Section:

13 (1) ‘Automotive repair facility’ and ‘auto repair work’ are as defined by § 4902A
14 of Title 6.

15 (2) ‘Original equipment manufactured parts’ or ‘OEM parts’ are as defined by §
16 4902A of Title 6.

(3) ‘Manufacturer’s warranty’ and ‘manufacturer’s extended warranty’ mean any warranty governed by § 5001 of Title 6.

(4) ‘Non-mechanical parts’ and ‘non-mechanical auto repair work’ are as defined by § 4902A of Title 6.”

Section 2. Amend § 4906A, Title 6, of the Delaware Code by designating the existing language therein as subsection (b) and by adding the following subsections:

“(a) An automotive repair facility shall use only original equipment manufactured (OEM) parts when performing any non-mechanical auto repair work on a motor vehicle, unless at the time the auto repair work is to be performed, but prior to the actual performance of the auto repair work, the customer gives written authorization to use non-mechanical parts that are not OEM parts, such written authorization containing:

(1) a statement that the customer has been informed of the availability of OEM parts and the comparative costs and benefits of using OEM parts or non-OEM parts; and

(2) a statement that any non-OEM parts used to perform such repair work are at least equal in terms of fit, quality, performance, and warranty to the OEM parts that would otherwise have been used.

(3) The statement, ‘THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET REPLACEMENT PARTS THAT ARE NOT MANUFACTURED BY THE ORIGINAL MANUFACTURER OF YOUR MOTOR VEHICLE OR BY A MANUFACTURER AUTHORIZED BY THE ORIGINAL MANUFACTURER TO USE ITS NAME OR TRADEMARK. THE AFTERMARKET PARTS USED IN THE PREPARATION OF THIS ESTIMATE ARE WARRANTED BY THE MANUFACTURER OR DISTRIBUTOR OF SUCH PARTS RATHER THAN THE ORIGINAL MANUFACTURER OF YOUR VEHICLE. THE USE OF THE PARTS USED IN THE PREPARATION OF THIS ESTIMATE MAY MODIFY THE ORIGINAL MANUFACTURER’S WARRANTY

ON THE PARTS BEING REPLACED. UPON YOUR REQUEST, THE
AUTOMOTIVE REPAIR FACILITY SHALL PROVIDE, IF AVAILABLE, A
COPY OF ANY WARRANTY FOR AN AFTERMARKET USED.”

Section 3. Amend § 4902A, Title 6, of the Delaware Code by adding the following
subsections:

“(6) ‘Original equipment manufactured parts’ or ‘OEM parts’ mean replacement
mechanical and non-mechanical parts that are available at or through the manufacturer of
the motor vehicle and that were used in the original construction of the vehicle or that
have been made available by the manufacturer of the motor vehicle for use in the original
construction of the vehicle.

(7) ‘Non-mechanical auto repair work’ means auto repair work to any
non-mechanical part.

(8) ‘Non-mechanical parts’ mean any piece of exterior or interior sheet
metal or fiberglass panels and any parts that form the superstructure or body of a
motor vehicle, including, but not limited to, any fenders, bumpers, quarterpanels, door
panels, hoods, grills, fire walls, permanent roofs, wheel wells, front and rear lamp
displays, or any non-mechanical sheet metal, fiberglass or plastic panels or parts
which generally constitute the exterior or interior of the motor vehicle.”

Section 4. If any provision of this Act of the application thereof to any person or circumstances is held
invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect
without the invalid provision or application, and to this end the provisions of this Act are severable.

SYNOPSIS

This Act is intended to ensure that customers who have non-mechanical automotive repair work performed on their
motor vehicle have control over what parts are being used to repair their vehicle. To accomplish this, this Act
amends Titles 6 and 18 of the Delaware Code.

This Act amends Title 6 so that automotive repair facilities are required to give the customer notice of the use of any
non-mechanical parts that are not original equipment manufactured (OEM) parts before they perform such repairs
and must then receive written authorization from the customer to use non-mechanical non-OEM parts in those
repairs.

This Act amends Title 18, commonly known as the Insurance Code, by making it an unfair trade practice for any
casualty insurance provider to require automotive repair facilities to use any parts other than OEM parts when
performing non-mechanical auto repair work on a motor vehicle that is still in its warranty period. This Act further

amends Title 18, by prohibiting such providers from requiring their insured to authorize the use of non-OEM parts in those repairs.
Finally, this Act provides definitions for terms used or created therein.

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