

HB0119S05 compared with HB0119

~~{Omitted text}~~ shows text that was in HB0119 but was omitted in HB0119S05

inserted text shows text that was not in HB0119 but was inserted into HB0119S05

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1 **Automotive Repair Business Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Colin W. Jack
Senate Sponsor: Don L. Ipson



2
3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions ~~{related }~~ relating to automotive repairs.

6 **Highlighted Provisions:**

7 This bill:

- 8 ~~▶ {requires that a motor vehicle liability coverage policy include coverage of the difference in~~
9 ~~market value from before and after a motor vehicle accident, if the insured purchases coverage; }~~
- 11 ~~▶ {provides that coverage for a motor vehicle accident may not be stepped down under~~
12 ~~certain circumstances; }~~
- 8 ~~▶ defines "OEM aftermarket crash part";~~
- 9 ~~▶ enacts notice requirements relating to aftermarket crash parts at the time of issuance and~~
10 ~~renewal;~~
- 11 ~~▶ amends notice requirements relating to the written estimate when an insurer authorizes or~~
12 ~~specifies the use of a non-OEM aftermarket part;~~
- 13 ~~▶ {grants } provides that the commissioner of the Insurance Department ~~{rulemaking authority~~
14 ~~to establish } and the Insurance Department are not required to administer or enforce a {formula~~~~

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to determine the coverage of the difference in market value from before and after a motor vehicle accident;} provision this bill enacts; and

16 ▶ { ~~requires that a repair facility or installer use crash parts that are substantially equivalent to original equipment manufacturer aftermarket repair parts;~~ }

18 ▶ { ~~grants a motor vehicle owner a right of action against a repair facility or installer that does not use crash parts that are substantially equivalent to original equipment manufacturer aftermarket repair parts; and~~ }

21 ▶ makes technical changes.

16 Money Appropriated in this Bill:

17 None

18 Other Special Clauses:

19 None

20 Utah Code Sections Affected:

21 AMENDS:

28 ~~{31A-22-303, as last amended by Laws of Utah 2023, Chapter 415}~~

22 31A-22-317, as renumbered and amended by Laws of Utah 1995, Chapter 8

23 31A-22-319, as renumbered and amended by Laws of Utah 1995, Chapter 8

25 *Be it enacted by the Legislature of the state of Utah:*

32 ~~{Section 1. Section 31A-22-303 is amended to read: }~~

33 **31A-22-303. Motor vehicle liability coverage.**

34 (1)

(a) In addition to complying with the requirements of Chapter 21, Insurance Contracts in General, and Part 2, Liability Insurance in General, a policy of motor vehicle liability coverage under Subsection 31A-22-302(1)(a) shall:

37 (i) name the motor vehicle owner or operator in whose name the policy was purchased, state [that] the named insured's address, the coverage afforded, the premium charged, the policy period, and the limits of liability;

40 (ii)

(A) if [it] the policy is an owner's policy, designate by appropriate reference all the motor vehicles on which coverage is granted, insure the person named in the policy, insure any other person using any

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named motor vehicle with the express or implied permission of the named insured, and, except as provided in Section 31A-22-302.5, insure any person included in Subsection (1)(a)(iii) against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of these motor vehicles within the United States and Canada, subject to limits exclusive of interest and costs, for each motor vehicle, in amounts not less than the minimum limits specified under Section 31A-22-304; or

- 50 (B) if ~~[it] the policy~~ is an operator's policy, insure the person named as insured against loss from the liability imposed upon ~~[him] the person~~ by law for damages arising out of the insured's use of any motor vehicle not owned by ~~[him] the person~~, within the same territorial limits and with the same limits of liability as in an owner's policy under Subsection (1)(a)(ii)(A);
- 55 (iii) except as provided in Section 31A-22-302.5, insure persons related to the named insured by blood, marriage, adoption, or guardianship who are residents of the named insured's household, including ~~[those] a person~~ who usually ~~[make their]~~ makes the person's home in the same household but temporarily ~~[live]~~ lives elsewhere, to the same extent as the named insured;
- 60 ~~[(iv) where a claim is brought by the named insured or a person described in Subsection (1)(a)(iii); the available coverage of the policy may not be reduced or stepped-down because:]~~
- 63 ~~[(A) a permissive user driving a covered motor vehicle is at fault in causing an accident; or]~~
- 65 ~~[(B) the named insured or any of the persons described in Subsection (1)(a)(iii) driving a covered motor vehicle is at fault in causing an accident; and]~~
- 67 ~~[(v)]~~ (iv) cover damages or injury resulting from a covered driver of a motor vehicle who is stricken by an unforeseeable paralysis, seizure, or other unconscious condition and who is not reasonably aware that paralysis, seizure, or other unconscious condition is about to occur to the extent that a person of ordinary prudence would not attempt to continue driving~~[-]~~ ; and
- 72 (v) if the insured purchases coverage to cover the difference in market value of an insured's motor vehicle calculated in a manner the commissioner establishes by rule in accordance with Subsection (10), cover the difference in market value of an insured's motor vehicle calculated in a manner the commissioner establishes by rule in accordance with Subsection (10).
- 77 (b) Where a named insured or a person described in Subsection (1)(a)(iii) brings a claim, the available coverage of the policy may not be reduced or stepped down because:
- 79 (i) a permissive user driving a covered motor vehicle is at fault in causing an accident; or
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(ii) the named insured or any of the persons described in Subsection (1)(a)(iii) driving a covered motor vehicle is at fault in causing an accident.

83 ~~[(b)]~~ (c) The driver's liability under Subsection ~~[(1)(a)(v)]~~ (1)(a)(iv) is limited to the insurance coverage.

85 ~~[(e)]~~ (d)

(i) "Guardianship" under Subsection (1)(a)(iii) includes the relationship between a foster parent and a minor who is in the legal custody of the Division of Child and Family Services if:

88 (A) the minor resides in a foster home, as defined in Section 62A-2-101, with a foster parent who is the named insured; and

90 (B) the foster parent has signed to be jointly and severally liable for compensatory damages caused by the minor's operation of a motor vehicle in accordance with Section 53-3-211.

93 (ii) "Guardianship" as defined under this Subsection ~~[(1)(e)]~~ (1)(d) ceases to exist when a minor described in Subsection ~~[(1)(e)(i)(A)]~~ (1)(d)(i)(A) is no longer a resident of the named insured's household.

96 (2)

(a) A policy containing motor vehicle liability coverage under Subsection 31A-22-302(1)(a) may:

98 (i) provide for the prorating of the insurance under that policy with other valid and collectible insurance;

100 (ii) grant any lawful coverage in addition to the required motor vehicle liability coverage;

102 (iii) if an insurer issues the policy ~~[is issued]~~ to a person other than a motor vehicle business, limit the coverage afforded to a motor vehicle business or ~~[its]~~ the motor vehicle business's officers, agents, or employees to the minimum limits under Section 31A-22-304, and to those instances when there is no other valid and collectible insurance with at least those limits, whether the other insurance is primary, excess, or contingent; and

108 (iv) if ~~[issued]~~ an insurer issues the policy to a motor vehicle business, restrict coverage afforded to anyone other than the motor vehicle business or its officers, agents, or employees to the minimum limits under Section 31A-22-304, and to those instances when there is no other valid and collectible insurance with at least those limits, whether the other insurance is primary, excess, or contingent.

113 (b)

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- 115 (i) The liability insurance coverage of a permissive user of a motor vehicle owned by a motor vehicle
business shall be primary coverage.
- 118 (ii) The liability insurance coverage of a motor vehicle business shall be secondary to the liability
119 insurance coverage of a permissive user as specified under Subsection (2)(b)(i).
- 120 (3) Motor vehicle liability coverage need not insure any liability:
- 123 (a) under any workers' compensation law under Title 34A, Utah Labor Code;
- 125 (b) resulting from bodily injury to or death of an employee of the named insured, other than a domestic
employee, while engaged in the employment of the insured, or while engaged in the operation,
maintenance, or repair of a designated vehicle; or
- 129 (c) resulting from damage to property owned by, rented to, bailed to, or transported by the insured.
- 132 (4) An insurance carrier providing motor vehicle liability coverage has the right to settle any claim
covered by the policy, and if the insurance carrier makes the settlement [~~is made~~] in good faith,
the amount of the settlement is deductible from the limits of liability specified under Section
31A-22-304.
- 136 (5) A policy containing motor vehicle liability coverage imposes on the insurer the duty to defend, in
good faith, any person insured under the policy against any claim or suit seeking damages which
would be payable under the policy.
- 141 (6)
- (a) If a policy containing motor vehicle liability coverage provides an insurer with the defense of lack of
cooperation on the part of the insured, that defense is not effective against a third person making a
claim against the insurer, unless there was collusion between the third person and the insured.
- (b) If the defense of lack of cooperation is not effective against the claimant, after payment, the insurer
is subrogated to the injured person's claim against the insured to the extent of the payment and is
entitled to reimbursement by the insured after the injured third person has been made whole with
respect to the claim against the insured.
- (7)
- (a) A policy of motor vehicle coverage may limit coverage to the policy minimum limits under Section
31A-22-304 if the policy or a specifically reduced premium was extended to the insured upon
express written declaration executed by the insured that the insured motor vehicle would not be
operated by a person described in Subsection (7)(c) operating in a manner described in Subsection
(7)(b)(i).

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- 146 (b)
- (i) A policy of motor vehicle liability coverage may limit coverage as described in Subsection (7)
- (a) if the insured motor vehicle is operated by an individual described in Subsection (7)(c) if the individual described in Subsection (7)(c) is guilty of:
- 150 (A) driving under the influence as described in Section 41-6a-502;
- 151 (B) impaired driving as described in Section 41-6a-502.5; or
- 152 (C) operating a vehicle with a measurable controlled substance in the individual's body as described in Section 41-6a-517.
- 154 (ii) An individual's refusal to submit to a chemical test as described in Sections 41-6a-520 and 41-6a-520.1 is admissible evidence, but not conclusive, that the individual is guilty of an offense described in Subsection (7)(b)(i).
- 157 (c) A reduction in coverage as described in Subsection (7)(a) applies to the following individuals:
- 159 (i) the insured;
- 160 (ii) the spouse of the insured; or
- 161 (iii) if the individual has a separate policy as a secondary source of coverage, and:
- 162 (A) the individual is over [~~the age of 21~~] 21 years old and resides in the household of the insured; or
- 164 (B) the individual is a permissible user of the motor vehicle.
- 165 (d) A reduction in coverage as described in Subsection (7)(a) does not apply to an individual under [~~the age of 21~~] 21 years old who is a relative of the insured and a resident of the insured's household.
- 168 (8)
- (a) When a claim is brought exclusively by a named insured or a person described in Subsection (1)(a) (iii) and asserted exclusively against a named insured or an individual described in Subsection (1)(a) (iii), the claimant may elect to resolve the claim:
- 172 (i) by submitting the claim to binding arbitration; or
- 173 (ii) through litigation.
- 174 (b) Once the claimant has elected to commence litigation under Subsection (8)(a)(ii), the claimant may not elect to resolve the claim through binding arbitration under this section without the written consent of both parties and the defendant's liability insurer.
- 177 (c)

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- (i) Unless otherwise agreed on in writing by the parties, a panel of three arbitrators shall resolve a claim that [is submitted] the parties submit to binding arbitration under Subsection (8)(a)(i)[shall be resolved by a panel of three arbitrators].
- 180 (ii)
- (A) Unless otherwise agreed on in writing by the parties, each party shall select an arbitrator.[-]
- 182 (B) The arbitrators selected by the parties shall select a third arbitrator.
- 183 (d)
- (i) Unless otherwise agreed on in writing by the parties, each party ~~[will]~~ shall pay the fees and costs of the arbitrator that party selects.[-]
- 185 (ii) Both parties shall share equally the fees and costs of the third arbitrator.
- 186 (e) Except as otherwise provided in this section, an arbitration procedure conducted under this section shall be governed by Title 78B, Chapter 11, Utah Uniform Arbitration Act, unless otherwise agreed on in writing by the parties.
- 189 (f)
- (i) ~~[Discovery shall be conducted]~~ The parties shall conduct discovery in accordance with Rules 26b through 36, Utah Rules of Civil Procedure.
- 191 (ii) ~~[All]~~ The arbitration panel shall resolve all issues of discovery~~[- shall be resolved by the arbitration panel].~~
- 193 (g) A written decision of two of the three arbitrators shall constitute a final decision of the arbitration panel.
- 195 (h) ~~[Prior to the]~~ Before the rendering of the arbitration award:
- 196 (i) the existence of a liability insurance policy may be disclosed to the arbitration panel; and
- 198 (ii) the amount of all applicable liability insurance policy limits may not be disclosed to the arbitration panel.
- 200 (i)
- (i) The amount of the arbitration award may not exceed the liability limits of all the defendant's applicable liability insurance policies, including applicable liability umbrella policies.[-]
- 203 (ii) If the initial arbitration award exceeds the liability limits of all applicable liability insurance policies, the arbitration award shall be reduced to an amount equal to the liability limits of all applicable liability insurance policies.
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- (j) The arbitration award is the final resolution of all claims between the parties unless the award was procured by corruption, fraud, or other undue means.
- 208 (k) If the arbitration panel finds [~~that the action was not brought, pursued, or defended in good faith~~] a party did not bring, pursue, or defend the action in good faith, the arbitration panel may award reasonable fees and costs against the party that failed to bring, pursue, or defend the claim in good faith.
- 212 (l) Nothing in this section is intended to limit any claim under any other portion of an applicable insurance policy.
- 214 (9) An at-fault driver or an insurer issuing a policy of insurance under this part that is covering an at-fault driver may not reduce compensation to an injured party based on the injured party not being covered by a policy of insurance that provides personal injury protection coverage under Sections 31A-22-306 through 31A-22-309.
- 218 (10) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a formula that an insurer shall use to calculate the difference in market value for a motor vehicle from before and after an accident involving the motor vehicle.

26 Section 1. Section 31A-22-317 is amended to read:

27 **31A-22-317. Definitions.**

As used in Sections 31A-22-316 through 31A-22-319:

- 29 (1) "Aftermarket crash part" means a replacement for any of the nonmechanical sheet metal or plastic parts that generally constitute the exterior of a motor vehicle, including inner and outer panels.
- 32 (2) "Installer" means an individual who replaces or repairs the parts of a motor vehicle.
- 33 (3) "Insurer" means an insurance company and any person authorized to represent the insurer with respect to a claim.
- 35 (4) "Nonoriginal equipment manufacturer" or "non-OEM" means a manufacturer of replacement parts for a different manufacturer's equipment.
- 37 (5) "Non-OEM aftermarket crash part" means an aftermarket crash part not made for or by the manufacturer of the motor vehicle.
- 39 (6) "OEM aftermarket crash part" means an aftermarket crash part made for or by the manufacturer of the motor vehicle.
- 41 [(6)] (7) "Repair facility" means any motor vehicle dealer, garage, body shop, or other commercial entity that repairs or replaces those parts that generally constitute the exterior of a motor vehicle.

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44 Section 2. Section 31A-22-319 is amended to read:

45 **31A-22-319. Prohibition on insurer requiring certain parts -- Disclosure.**

224 (1) Unless ~~[the insured is given]~~ an insurer gives an insured ~~{ notice }~~ the insurer gives the insured
notice} in writing {;} an insurer may not ~~{specify}~~ permit the use of non-OEM aftermarket
crash parts in the repair of an insured's motor vehicle.[-{ }

227 ~~{(2)} The notice { } -{ } required by Subsection (1) shall identify non-OEM parts as not made for or by~~
~~the vehicle manufacturer.]~~

229 ~~{(2)}{ (3)-}~~ Unless the ~~{ }~~ consumer is given ~~{ insurer gives the insured }~~ notice in writing ~~{ }~~ prior
to ~~{ before }~~ installation, a repair facility or installer may not use non-OEM aftermarket parts to
repair a vehicle.]

52 (2)

(a) For a policy issued on or after October 1, 2026, the insurer shall provide to the insured, at the time
of issuance and renewal, a written notice stating that the insurer may authorize or specify the use of
aftermarket crash parts in the event of a covered loss.

56 (b) An insurer may provide the notice described in Subsection (2)(a) electronically in accordance with
applicable law.

58 (c) The notice described in Subsection (2)(a):

59 (i) is informational only and does not create, expand, or alter coverage or obligations under the policy;
and

61 (ii) shall include the following disclosure in at least 10-point font: "In the event of a covered loss, the
insurer may authorize or specify the use of aftermarket crash parts supplied by a source other than
the manufacturer of your vehicle. Parts used in the repair of your vehicle by a manufacturer other
than the original manufacturer are required to be at least equal in kind and quality in terms of fit,
quality, and performance to the original parts they are replacing."

232 ~~{(3)}{ } {(4)-}~~ [In all instances where { } non-OEM aftermarket crash parts are intended for use
by an insurer { } an insurer intends to use non-OEM aftermarket crash parts }:] When an insurer
authorizes or specifies the use of a non-OEM aftermarket crash part,

234 [(a)] the written estimate shall:

71 (a) [-] clearly identify each non-OEM aftermarket crash part; ~~{f and}~~

235 (b) [a disclosure document containing the] contain the following [statements] disclosure in [10-point
or larger type shall appear on or be] at least 10-point font, that appears on or is attached to the

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insured's copy of the estimate: "This estimate has been prepared based on the authorization of your insurer and the use of aftermarket crash parts [supplied by a source other than the] not made by the original manufacturer of your motor vehicle. Parts used in the repair of your vehicle that are made by a manufacturer other than the original manufacturer are required to be at least equivalent in kind and quality in terms of fit, quality, and performance. Warranties applicable to these replacement parts are provided by the manufacturer or distributor of these parts rather than the manufacturer of your vehicle."

82 (4) Nothing in this section:

83 (a) creates an express or implied warranty by the insurer beyond the terms of the policy of insurance;

85 (b) requires an insurer to provide coverage for OEM aftermarket crash parts unless the coverage is expressly provided in the policy; or

87 (c) prohibits the voluntary use of OEM aftermarket crash parts.

88 (5) Notwithstanding Sections 31A-2-101 and 31A-2-201, the department and the commissioner are not required to administer or otherwise enforce Subsection (3).

{; and}

241 ~~{(e) the repair facility or installer shall use non-OEM aftermarket crash parts that are substantially equivalent in quality and function to OEM aftermarket crash parts.}~~

243 ~~{(5)}~~

~~{(a) A motor vehicle owner has a right of action against a repair facility or installer that violates Subsection (4)(c).}~~

245 ~~{(b) If a motor vehicle owner brings an action against a repair facility or installer in accordance with Subsection (5)(a) and a court with jurisdiction determines that the repair facility or installer violated Subsection (4)(c):}~~

248 ~~{(i) the court shall award the motor vehicle owner actual damages caused by the violation of Subsection (4)(c); and}~~

250 ~~{(ii) the repair facility or installer is not subject to any further penalty imposed by the department for the violation in accordance with Section 31A-2-308.}~~

90 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

3-2-26 10:48 AM