

HB0119S05 compared with HB0119S03

~~{Omitted text}~~ shows text that was in HB0119S03 but was omitted in HB0119S05
inserted text shows text that was not in HB0119S03 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 ▶ defines ~~{terms;}~~ "OEM aftermarket crash part";
- 9 ▶ ~~{requires that an insurer disclose the type of aftermarket crash part the insurer will use in a policy of insurance;}~~
- 11 ▶ ~~{requires that an insurer use the type of aftermarket crash part the insurer discloses when making a repair;}~~
- 13 ▶ ~~{requires that an insurer disclose whether an aftermarket crash part has been certified by an independent testing organization;}~~
- 15 ▶ ~~{requires that an insurer provide a }~~ enacts notice ~~{of }~~ requirements relating to aftermarket crash parts ~~{before }~~ at the time of issuance and renewal ~~{of a policy of insurance }~~ ;
- 11 ▶ amends notice requirements relating to the written estimate when an insurer authorizes or specifies the use of a non-OEM aftermarket part;

HB0119S03

HB0119S03 compared with HB0119S05

17 ▶ provides that the commissioner of the Insurance Department and the Insurance Department are
not required to administer or enforce ~~{provisions-}~~ a provision this bill enacts; and

19 ▶ makes technical changes.

16 Money Appropriated in this Bill:

17 None

18 Other Special Clauses:

19 None

20 Utah Code Sections Affected:

21 AMENDS:

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

24

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

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:

33 (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.

36 ~~{(2) "Independent testing organization" means an entity that: }~~

37 ~~{(a) conducts testing of non-OEM aftermarket crash parts to determine whether the non-OEM
aftermarket crash parts are equal to the quality, safety, fit, and performance of an OEM aftermarket
crash part; and }~~

40 ~~{(b) issues a certification to a non-OEM aftermarket crash part that the entity determines is equal to the
quality, safety, fit, and performance of an OEM aftermarket crash part. }~~

42 ~~{(2){1} {(3)} }~~ "Installer" means an individual who replaces or repairs the parts of a motor vehicle.

43 ~~{(3){1} {(4)} }~~ "Insurer" means an insurance company and any person authorized to represent the
insurer with respect to a claim.

45 ~~{(4){1} {(5)} }~~ "Nonoriginal equipment manufacturer" or "non-OEM" means a manufacturer of
replacement parts for a different manufacturer's equipment.

47 ~~{(5){1} {(6)} }~~ "Non-OEM aftermarket crash part" means an aftermarket crash part not made for or by
the manufacturer of the motor vehicle.

HB0119S03 compared with HB0119S05

- 49 (7){(6)} "OEM aftermarket crash part" means an aftermarket crash part made for or by the
manufacturer of the motor vehicle.
- 51 [(6)] (8){(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.
- 44 Section 2. Section 31A-22-319 is amended to read:
- 45 31A-22-319. ~~{Disclosure of use of aftermarket crash parts required in application for policy~~
~~of insurance -- Requirements }~~ Prohibition on insurer ~~{when using non-OEM aftermarket crash~~
~~requiring certain parts-- Disclosure.~~
- 58 ~~{(1) Unless }~~ the insured is given an insurer gives an insured ~~{ notice in writing an insurer may not~~
~~specify the use of non-OEM aftermarket crash parts in the repair of an insured's motor vehicle.}~~ [
The notice required by Subsection (1) shall identify non-OEM parts as not made for or by the
vehicle manufacturer.]
- 62 ~~{(1)}~~
- ~~{(a) If an insurer intends to use non-OEM aftermarket crash parts in a policy of insurance, the insurer~~
~~shall include on each application that the insurer provides to a potential insured the following~~
~~disclosure on the application, in at least 10-point font: "This application is based on the use of crash~~
~~parts supplied by a source other than the manufacturer of your vehicle. Any warranty applicable to~~
~~those crash parts will be provided by the manufacturer or distributor of those crash parts rather than~~
~~the manufacturer of your vehicle."}~~
- 69 ~~{(b) If an insurer intends to use OEM aftermarket crash parts in a policy of insurance, the insurer shall~~
~~include on each application the insurer provides to a potential insured the following disclosure on~~
~~the application, in at least 10-point font: "This application is based on the use of original equipment~~
~~manufacturer parts made by the manufacturer of your vehicle. Any warranty applicable to those~~
~~crash parts will be provided by the manufacturer of your vehicle."}~~
- 75 ~~{(2)}~~
- ~~{(a) When an insured makes a claim that will require the repair or replacement of one or more parts of~~
~~the insured's motor vehicle, the insurer shall use the type of aftermarket crash part identified in the~~
~~application the insurer provides to the insured in accordance with Subsection (1) for the repair.}~~
- 79 ~~{(2)} { (b) }~~ Unless the ~~{ }~~ consumer is given ~~{ }~~ insurer gives the insured ~~{ }~~ notice in writing ~~{ }~~
prior to installation ~~{ }~~ on the application in accordance with Subsection (1)(a) ~~{ }~~ ; a repair facility or
installer may not use non-OEM aftermarket ~~{ -crash }~~ parts to repair a vehicle.]

HB0119S03 compared with HB0119S05

- 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."
- 82 (3) ~~[In all instances where non-OEM aftermarket crash parts are intended for use by an insurer { } When an insurer intends to use a non-OEM aftermarket crash part }:]~~ When an insurer authorizes or specifies the use of a non-OEM aftermarket crash part,
- 84 ~~[(a)]~~ the written estimate shall:
- 71 (a) ~~[-]~~ clearly identify {each{ }} the non-OEM aftermarket crash part; { and }
- 86 (b) ~~[a disclosure document containing the]~~ contain the following ~~[statements]~~ disclosure in ~~[10-point or larger type { } at least 10-point font]~~ at least 10-point font, that appears on or is attached to the 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

HB0119S03 compared with HB0119S05

(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}

92 {~~(e) the insurer shall disclose to the insured whether the non-OEM aftermarket crash part has been issued a certification by an independent testing organization.~~}

94 {~~(4) On or before the day on which an insured renews the insured's policy of insurance, the insurer shall send a notice to the insured that states:~~}

96 {~~(a) if the insured's policy covers the use of non-OEM aftermarket parts: "Your policy covers the use of crash parts supplied by a source other than the manufacturer of your vehicle. Any warranty applicable to those crash parts will be provided by the manufacturer or distributor of those crash parts rather than the manufacturer of your vehicle."; or~~}

101 {~~(b) if the insured's policy covers the use of OEM aftermarket parts: "Your policy covers the use of original equipment manufacturer parts made by the manufacturer of your vehicle. Any warranty applicable to those crash parts will be provided by the manufacturer of your vehicle."~~}

105 {~~(5) Notwithstanding Sections 31A-2-101 and 31A-2-201, the department and the commissioner are not required to administer or otherwise enforce this section.~~}

90 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

3-2-26 10:48 AM