Effective 5/6/2026

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

(1) Unless 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.

(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.

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

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

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

(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 equivalent in kind and quality in terms of fit, quality, and performance to the original parts they are replacing."

(3) When an insurer authorizes or specifies the use of a non-OEM aftermarket crash part, the written estimate shall:

(a) clearly identify each non-OEM aftermarket crash part; and

(b) contain the following disclosure in 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 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."

(4) Nothing in this section:

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

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

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

(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).

Amended by Chapter 106, 2026 General Session