

CHAPTER 19 AFTER MARKET PARTS REGULATION

Section 1. **Authority**

These regulations governing after market parts are promulgated by the authority of and pursuant to the Wyoming Administrative Procedure Act, W.S. 16-3-101 through 16-3-115, W.S. 26-2-110 and W.S. 26-13-101 through 26-13-202.

Section 2. **Purpose**

The purpose of this regulation is to protect the consumer by requiring the consumer be informed whenever after market parts are used in the repair of an automobile, and where non-OEM after market parts are used, that the consumer consent to the use of such parts.

Section 3. **Definitions**

(a) “Insurer” includes an insurance company and any person authorized to represent the insurer with respect to a claim who is acting within the scope of the persons authority.

(b) “Non-Original Equipment Manufacturer” (Non-OEM) means any manufacturer other than the original equipment manufacturer of the part.

(c) “After market part” for purposes of this regulation, means sheet metal or plastic parts which generally constitute the exterior of a motor vehicle, including inner and outer panels.

Section 4. **Identification**

No insurer shall directly or indirectly require the use of any after market part in the repair of an automobile which does not carry sufficient permanent identification so as to identify its manufacturer. Such identification shall be accessible to the extent possible after installation.

Section 5. **Like Kind and Quality**

No insurer shall directly or indirectly require the use of any after market part in the repair of an automobile unless the after market part is at least equal in quality to the original part in terms of fit and performance. The cost of any modifications which may become necessary when making the repair shall be considered as a factor in determining the quality of the after market part.

Section 6. **Consent**

No insurer shall directly or indirectly require the use of non-OEM after market parts in the repair of an automobile nor shall any insurer accept any estimate or authorize any repair of an automobile unless the consumer is advised that he or she is not required to accept non-OEM after market parts in the repair of the vehicle and consents in writing to the use of those parts before repairs are made.

Section 7. **Disclosure**

The insurer must disclose to the claimant in writing, either on the estimate or on a separate document attached to the estimate, the following information in no smaller print than 10 point type:

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AUTOMOBILE PARTS NOT MADE BY THE ORIGINAL MANUFACTURER. PARTS USED IN THE REPAIR OF YOUR VEHICLE BY OTHER THAN THE ORIGINAL MANUFACTURER ARE REQUIRED TO BE AT LEAST OF EQUAL QUALITY IN TERMS OF FIT AND PERFORMANCE TO THE ORIGINAL MANUFACTURER PARTS THEY ARE REPLACING.

All after market parts installed on the vehicle shall be clearly identified on the estimate of such repair.

Section 8. Violations

Any individual, firm or corporation who shall violate any of the provisions of these After Market Parts Regulations shall be punishable in accordance with W.S. 26-1-107.

Section 9. Severability

If any section or portion of a section of this regulation, or the applicability thereof to any person or circumstance is held invalid by a court, the remainder of this regulation, or the applicability of such provision to a person shall not be affected thereby.

Section 10. Effective Date

This regulation shall become effective July 29, 1988.