

815 ILCS 306

Sales

ACT 306. AUTOMOTIVE REPAIR ACT

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Cross References

Consumer Fraud and Deceptive Business Practices Act, violations of other acts, see 815 ILCS 505/2Z.

306/1. Short title

§ 1. Short title. This Act may be cited as the Automotive Repair Act. P.A. 90-426, § 1, eff. Jan. 1, 1998.

Historical and Statutory Notes

Title of Act:

An act concerning the automotive repair industry.
P.A. 90-426. approved Aug. 15, 1997,eff. Jan. 1, 1998.

306/5. Legislative finding

§ 5. Legislative finding. The automotive repair industry supports good communication between motor vehicle repair facilities and their customers. The General Assembly recognizes that improved communications and accurate representations between automotive repair facilities and their customers will increase consumer confidence, reduce the likelihood of disputes arising, and promote fair and non deceptive practices, thereby enhancing the safety and reliability of motor vehicle repair facilities in the State of Illinois.

P.A. 90-426, § 5, eff. Jan. 1, 1998.

306/10. Definitions

§ 10. Definitions. In this Act:

"Automotive repair" includes, but is not limited to:

(1) All repairs to motor vehicles that are commonly performed in a motor vehicle repair facility by a motor vehicle technician, including the diagnosis, installation, exchange, or repair of mechanical or electrical parts or units for any vehicle, the performance of any electrical or mechanical adjustment to any vehicle, or the performance of any service work required for routine maintenance or repair of any vehicle. The term does not include commercial fleet repair or maintenance transactions involving 2 or more vehicles or ongoing service or maintenance contracts involving vehicles used primarily for business purposes.

(2) All repair work in motor vehicle repair facilities that perform one or more specialties within the automotive repair service industry, including, but not limited to, refinishing, brake, electrical,exhaust repair or installation, front-end, radiators, tires, transmission, tune-up, and windshield. However, transactions involving retail purchase of merchandise when a facility installs the merchandise as part of the transaction at the discretion of the customer for a firm price are not included. These transactions shall include but not be limited to tires, batteries, oil and lube jobs.

"Automotive repair facility" or "motor vehicle repair facility" means any person, firm, association, or corporation that for compensation engages in the business of automotive repair or diagnosis, or both, of malfunctions of motor vehicles.

A "used" part consist of a used assembly removed from a vehicle and installed on a vehicle undergoing repair without the benefit of being rebuilt or remanufactured.

P.A. 90-426, § 10, eff. Jan. 1, 1998.

Library References

Word and phrases (Perm. Ed.)

306/15. Disclosures to consumers; estimates

§ 15. Disclosures to consumers; estimates.

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(a) Disclosures required. No work for compensation that exceeds \$100 shall be commenced without specific authorization from the consumer after the disclosure set forth in this Section.

(b) Estimated costs. Every motor vehicle repair facility shall either (i) give to each consumer a written estimated price for labor and parts for a specific repair and shall not charge for work done or parts supplied in an amount that exceeds the estimate by more than 10% without oral or written consent of the consumer or (ii) give to each consumer a written price limit for each specific repair and shall not exceed that limit without oral or written consent of the consumer. Either option shall include an estimate of the time necessary to complete the repair, if in excess of one working day. The estimate shall include the total costs to repair the vehicle.

Estimates shall include all charges to be paid by the consumer to complete the repair, including any charges for estimates and diagnostics. However, transactions involving the retail purchase of merchandise when a facility installs the merchandise as part of the transaction at the discretion of the customer for a firm price are not included. These transactions shall include but not be limited to tires, batteries, oil, and lube jobs.

(1) Description of parts. Motor vehicle repair facilities shall describe in the estimate the major parts needed to effectuate the repair and whether parts are new or used.

(2) Calculation of labor costs. Estimates shall indicate that the motor vehicle repair facility may use a combination of industry standard flat rate (time) manuals, actual time, or condition of the vehicle to determine labor costs. This disclosure mandate may also be fulfilled by means of a sign that provides the same information to the consumer. Such a sign shall be posted at a location that can be easily viewed by the consumer.

(3) Required or suggested repairs. Estimates shall indicate whether the estimated repairs are required or suggested.

(4) Disassembly and reassembly charges. If it is necessary to disassemble, or partially disassemble, a vehicle or vehicle component in order to provide the consumer with a written estimate for required repairs or maintenance, the estimate shall show the cost of any disassembly or reassembly, or both, if the consumer elects not to proceed with the repair or maintenance of the vehicle.

(5) Date. The estimate shall include the date the estimate was prepared or the date the vehicle was presented to the motor vehicle repair facility for repair or servicing, or both, the odometer reading on the vehicle at the time it was left with the motor vehicle repair facility, and a promised date of delivery.

P.A. 90-426, § 15, eff. Jan.1, 1998.

306/20. Notice of consumer's rights; estimate

§ 20. Notice of consumer's rights; estimate. When an estimate is required to be presented to a consumer, a motor vehicle repair facility shall disclose to the prospective consumer an estimated price quotation or the option to waive the price quotation by completing the following statement with the consumer's signature:

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"You are entitled to a price estimate for the repairs you have authorized. The repair price may be less than the estimate but shall not exceed (1) any price limited estimate or (2) any parts and labor estimate by more than 10%. Additional repairs may not be performed without your consent. You may waive your right to a written estimate and require that you be notified if the price exceeds an amount you have specified.

You may waive your right to an estimate, which gives the motor vehicle repair facility the right to set the price without your permission. Your signature will indicate your selection.

(a) I request an estimate in writing before you begin repairs.

Signature

(b) Please proceed with repairs but call me for approval before continuing if the price exceeds

\$.....

Signature.....

(c) I do not want an estimate and you may set the price for repairs.

Signature.....

Date..... Time.....

This estimated price for authorized repairs will be honored if the motor vehicle is delivered to the facility within the time period agreed to by the consumer and the motor vehicle repair facility."

However, transactions involving the retail purchase of merchandise when a facility installs the merchandise as part of the transaction at the discretion of the customer for a firm price are not included. These transactions shall include but not be limited to tires, batteries, oil, and lube jobs. P.A. 90-426, § 20, eff. Jan. 1 1998.

306/25. Estimated price insufficient

§ 25. Estimated price insufficient. If it is determined that the estimated price is insufficient because of unforeseen circumstances, the consumer's consent must be obtained before the work estimated is done or parts estimated are supplied. If the consumer's consent is oral, the motor vehicle repair facility shall make a notation on the work order or estimate and on the invoice of the date, time, name of the person authorizing the additional repairs, and telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost. P.A. 90-426, § 25, eff. Jan. 1, 1998.

306/30. Consumer's authorization of repairs or other action

§ 30. Consumer's authorization of repairs or other action. After receiving the estimate, the owner or the owner's agent may (i) authorize the repairs at the estimate of cost and time in writing, (ii) request the return of the motor vehicle in a disassembled state, or (iii) request that the vehicle be assembled in reasonably the same condition as when released to the motor vehicle repair facility, in which case the automotive repair facility shall make the motor vehicle available for possession within 3 working days after the time of request, unless parts are not available, making additional time necessary. The motor vehicle repair facility may receive payment for only those items on the schedule

of charges to which the facility is entitled.
P.A. 90-426, § 30, eff Jan.1, 1998.

306/35. Inability to deliver motor vehicle to facility during business hours

§ 35. Inability to deliver motor vehicle to facility during business hours. When the consumer is unable to deliver the motor vehicle to motor vehicle repair facility during business hours and the consumer has requested the motor vehicle repair facility to take possession of the motor vehicle for the purpose of repairing or estimating the cost of repairing the motor vehicle, the motor vehicle repair facility may not undertake the diagnosing or repairing of any malfunction of the motor vehicle for compensation unless the motor vehicle repair facility has complied with all of the following conditions:

- (1) The motor vehicle repair facility has prepared a written estimate or a firm price quotation of the price for labor and parts necessary to repair the motor vehicle.
- (2) By telephone or otherwise, the consumer has been given all of the material information on the written estimate or firm price quotation, and the consumer has approved the written estimate or firm price quotation.
- (3) The consumer has given his or her oral written authorization to the motor vehicle repair facility to make the repairs pursuant to the written estimate or firm price quotation.

If the consumer's authorization is oral, the motor vehicle repair facility shall make, on both the written estimate or firm price quotation and the invoice, a notation of the name of the person authorizing the repairs, date, the time, and the telephone number called, if any. Any charge for parts or labor in excess of the original estimate must be separately authorized by the consumer as provided in subsection (b) of Section 15 and in Section 25.

P.A. 90-426, § 40, eff. Jan. 1, 1998.

306/45. Consumer's waiver of estimate

§ 45. Consumer's waiver of estimate. A consumer may waive the right to receive a written estimate if the waiver is voluntary and made without coercion by the motor vehicle repair facility. A motor vehicle repair facility or anyone in its employ shall not make use of the waiver in an attempt to evade this Act. Nothing in this Section shall be construed as requiring a motor vehicle repair facility to give a written estimated price if the motor vehicle repair facility does not agree to perform the requested repair.

P.A. 90-426, § 45, eff Jan. 1, 1998.

306/50. Disclosures to consumers; invoices

§ 50. Disclosures to consumers; invoices.

- (a) Disclosures required. Whether or not a written estimate is required, parts and labor provided by a motor vehicle repair facility shall be clearly and accurately recorded in writing on an invoice and

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shall include all of the items set forth in this Section.

(b) Itemization of cost of repair performed. The invoice shall show the motor vehicle repair facility's business name and address, the date of the invoice, the odometer reading at the time the invoice was prepared, the name of the consumer, the description of the vehicle, and the terms and time limit of any guarantee for the repair work performed. In addition, the invoice shall describe all repair work done by a motor vehicle repair facility, including all warranty work, and shall separately identify (i) each major part supplied in a manner so that the consumer can understand what was purchased and (ii) the total price charged for all parts and labor.

Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if any, applicable to each.

The invoice shall itemize any additional charges and include those charges in the total presented to the consumer.

(c) Description of parts installed. The invoice shall include a description of the major parts installed.

(d) Copies of invoices. A legible copy of the invoice shall be given to the consumer and a legible copy shall be retained by the motor vehicle repair facility for a period of 2 years from the date of repair as a part of the motor vehicle repair facility's records, which may be maintained in an electronic format. Records may be stored at a separate location.

P.A. 90-426, § 50, eff. Jan. 1, 1998.

306/55. Consumer disclosures; guarantees; warranties

§ 55. Consumer disclosures; guarantees; warranties.

(a) If a motor vehicle repair facility provides a warranty on repair parts and labor, the facility shall put the warranty in writing and give a legible copy to the consumer. The consumer's copy of the warranty must contain the following:

(1) The nature and extent of the warranty, including a description of parts and service included in or excluded from the warranty.

(2) The duration of the warranty and the requirements to be performed by the warrantee before the warrantor will fulfill the warranty.

(3) All conditions and limitations of the warranty and the manner in which the warrantor will fulfill the warranty, such as by repair, replacement, or refund.

(4) Any options of the warrantor or warrantee.

(5) The warrantor's identity and address.

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(b) When repair or diagnostic work is performed pursuant to a warranty, a motor vehicle repair facility shall give an estimate of the time to complete repairs.

P.A. 90-426, § 55, eff. Jan. 1, 1998.

306/60. Consumer disclosures; required signs

§ 60. Consumer disclosures; required signs. Every motor vehicle repair facility shall post in a prominent place on the business premises one or more signs, readily visible to customers, in the following form:

YOUR CUSTOMER RIGHTS. UNLESS THE FACILITY PROVIDES A FIRM PRICE QUOTATION, YOU ARE ENTITLED BY LAW TO:

1. A WRITTEN ESTIMATE FOR REPAIRS THAT WILL COST MORE THAN \$100 UNLESS WAIVED OR ABSENT FACE-TO-FACE CONTACT (SEE ITEM 3 BELOW).

2. AUTHORIZE ORALLY OR IN WRITING ANY REPAIRS THAT EXCEED THE ESTIMATED TOTAL PRE-SALES-TAX COST BY MORE THAN 10% OR THAT EXCEED THE LIMITED PRICE ESTIMATE.

3. AUTHORIZE ANY REPAIRS ORALLY OR IN WRITING IF YOUR VEHICLE IS LEFT WITH THE MOTOR VEHICLE REPAIR FACILITY WITHOUT FACE-TO-FACE CONTACT BETWEEN YOU AND THE MOTOR VEHICLE REPAIR FACILITY PERSONNEL.

IF YOU HAVE AUTHORIZED A REPAIR IN ACCORDANCE WITH THE ABOVE INFORMATION, YOU ARE REQUIRED TO PAY FOR THE COSTS OF THE REPAIR PRIOR TO TAKING THE VEHICLE FROM THE PREMISES.

The first line of each sign shall be in letters not less than 1.5 inches in height, and the remaining lines shall be in letters not less than 0.5 inch in height.

P.A. 90-426, § 60, eff. Jan. 1, 1998.

306/65. Recordkeeping

§ 65. Recordkeeping. Every motor vehicle repair facility shall maintain copies of estimates for contracted work and all invoices. The copies, which may be maintained in an electronic format, shall be kept for 2 years and shall be available for inspection by the Attorney General.

P.A. 90-426, § 65, eff. Jan. 1, 1998.

306/70. Removal of vehicle from facility

§ 70. Removal of vehicle from facility. Upon reasonable notice and during the motor vehicle repair facility's business hours, a consumer may remove a vehicle from a motor vehicle repair facility upon paying for the following:

- (1) Labor actually performed.

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- (2) Parts actually installed.
 - (3) Parts ordered specifically for the consumer's car if the order is not cancelable or the parts are not returnable for cash or credit.
 - (4) Storage charges imposed in accordance with the schedule of charges if disclosed to consumers prior to repairs.
- P.A. 90-426, § 70, eff. Jan. 1, 1998.

306/75. Lien barred

§ 75. Lien barred. A motor vehicle repair facility that fails to comply with Section 15, 20, 25, 30, 35, 40, 45, 50, 55, or 60 is barred from asserting a possessory or chattel lien for the amount of the unauthorized parts or labor upon the motor vehicle or component.

P.A. 90-426, § 75, eff. Jan. 1, 1998.

306/80. Unlawful acts or practices

§ 80. Unlawful acts or practices. Each of the following acts or practices is unlawful when committed by a motor vehicle repair facility:

- (1) Advertising in a false, deceptive, or misleading manner.
- (2) Charging a consumer for parts not delivered or installed or a labor operation or repair procedure that has not actually been performed.
- (3) Unauthorized operation of a consumer's vehicle for purposes not related to repair or diagnosis.
- (4) Failing or refusing at the time of sale to provide a consumer, upon request, a copy at no charge, of any document signed by the consumer.
- (5) Retaining duplicative payment from both the consumer and the warranty or extended service contract provider for the same covered component, part, or labor.
- (6) Charging a consumer for unnecessary repairs. For purposes of this paragraph, "unnecessary repairs" means those repairs for which there is not reasonable basis for performing the service. A reasonable basis includes: (i) that the repair service is consistent with specifications established by law or the manufacturer of the motor vehicle, component, or part; (ii) that the repair is in accordance with usual and customary practices; (iii) that the repair was performed at the specific request of the consumer after the recommendation is not in accordance with manufacturer specifications or accepted trade practices; or (iv) that the repair is at the consumer's request.
- (7) Misrepresenting the terms of a warranty, guarantee, or service agreement.
- (8) Altering a motor vehicle to create a condition requiring repair.
- (9) Failing to honor a warranty, guarantee, or service agreement to which the motor vehicle repair facility is a party.
- (10) Charging or receiving payment for repairs not authorized by the consumer under Section 15,

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20, 25, 30, 35, 40

45, 50, 55, or 60.

P.A. 90-426, § 80, eff. Jan. 1, 1998.

306/85. Violations

§ 85. Violations. Whenever an automotive repair facility is knowingly engaged in or has knowingly engaged in a persistent practice or pattern of conduct at a single location that violates this Act, that knowing, persistent practice or pattern of conduct shall be deemed an unlawful act or practice under the Consumer Fraud and Deceptive Business Practices Act.* In the case of such knowing, persistent practice or pattern of conduct, all remedies, penalties, and authority available to the Attorney General and the several State's Attorneys under the Consumer Fraud and Deceptive Business Practices Act for the enforcement of that Act shall be available for the enforcement of this Act.

P.A. 90-426, § 85, eff. Jan. 1, 1998.

* 815 ILCS 505/1 et seq.