

# STATE OF NEW YORK

75

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. MAGNARELLI, STIRPE, HUNTER, COOK, SAYEGH, DINOW-ITZ, LUPARDO, GLICK, WILLIAMS, McMAHON -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the insurance law, in relation to requiring types of replacement crash parts used in automobile collision repairs be disclosed to vehicle owners and written authorization to use specified parts be obtained prior to installation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 398-d of the vehicle and traffic law is amended by  
2 adding a new subdivision 2-a to read as follows:

3 2-a. (a) No motor vehicle repair shop shall use or install any type or  
4 types of replacement crash parts for the repair of a collision damaged  
5 vehicle without disclosing the type or types of replacement crash parts  
6 to the vehicle owner or the vehicle owner's authorized representative  
7 and obtaining written authorization therefrom. The following "Replace-  
8 ment Crash Parts Notice and Authorization Form", reproduced in 12 point  
9 type or larger, shall be attached to a copy of the collision repair  
10 estimate and shall be signed by the vehicle owner or the vehicle owner's  
11 authorized representative prior to the use or installation of any such  
12 parts:

13 Replacement Crash Parts Notice and Authorization Form

14 NOTICE TO CONSUMER:

15 1. "Replacement crash parts" are the parts which are typically  
16 replaced during the repair of a damaged vehicle. These  
17 parts are made of sheet metal, plastic, fiberglass or simi-  
18 lar material, including a door, fender, panel, bumper,  
19 hood, floor or trunk lid, but not including windows or  
20 hubcaps, and constitute or provide support for the motor  
21 vehicle's exterior.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 2. The type(s) of replacement crash parts listed on your  
2 estimate/repair order # (copy attached) are from the cate-  
3 gories checked below.

4 3. Warranties for the type(s) of replacement parts listed below  
5 are provided by the Manufacturer or Distributor of the  
6 replacement parts. Warranty coverage varies. Ask your  
7 insurer or collision repair professional for specific,  
8 written warranty information. Additional warranties for  
9 replacement crash parts will be provided by \_\_\_\_\_.

10 4. Replacement Crash Parts Types:

11 ( ) New Original Equipment Manufacturer (OEM) Replacement Crash  
12 Parts: Parts which are made by the vehicle manufacturer or  
13 one of its licensees and distributed through its normal  
14 channels. These parts maintain the OEM Vehicle Factory  
15 Warranty for the replaced parts and any other adjoining or  
16 associated OEM part or systems.

17 ( ) New Aftermarket Replacement Crash Parts: Parts which are  
18 made by companies other than the vehicle manufacturer or  
19 its licensee. All parts in this category are warranted by  
20 the distributor and/or manufacturer of these parts.

21 ( ) Recycled/recyclable Replacement Crash Parts: Used parts  
22 which have been removed from another vehicle. All parts in  
23 this category are warranted by the salvage vendor.

24 ( ) Re-manufactured Replacement Crash Parts: Parts which have  
25 been returned to like-new condition by repairing, re-ma-  
26 chining or re-building. All parts in this category are  
27 warranted by the re-manufacturer of the part.

28 I understand that my vehicle will be repaired using the parts  
29 described above, and I authorize the repair shop to install those parts.

30 \_\_\_\_\_  
31 Customer Signature

\_\_\_\_\_ Date

32 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
33 sion, only new original equipment manufacturer (OEM) replacement crash  
34 parts may be used on any vehicle during the year of manufacture and for  
35 the two succeeding years thereafter, or for the duration of the vehicle  
36 manufacturer's new-vehicle and/or sheet-metal or body parts warranty,  
37 whichever is longer.

38 § 2. Subsection (n) of section 3411 of the insurance law is relettered  
39 subsection (o) and a new subsection (n) is added to read as follows:

40 (n) No insurer shall directly or indirectly require the use or instal-  
41 lation of any type or types of replacement crash part for the repair of  
42 a collision damaged vehicle, without disclosing the type or types of  
43 replacement crash parts to the vehicle owner or the vehicle owner's  
44 authorized representative, as provided in subdivision two-a of section  
45 three hundred ninety-eight-d of the vehicle and traffic law. In addi-  
46 tion, only new original equipment manufacturer (OEM) replacement crash  
47 parts may be used on any vehicle during the year of manufacture and for  
48 two succeeding years thereafter, or for the duration of the vehicle  
49 manufacturer's new vehicle and/or sheet-metal or body parts warranty,  
50 whichever is longer. In the event replacement crash parts are used or  
51 installed which are other than new original equipment manufacturer (OEM)  
52 replacement crash parts, and such parts are ill-fitting and require  
53 additional labor and materials in their installation or use, the insurer  
54 shall be responsible for the cost of such additional labor and materi-  
55 als.

1 § 3. This act shall take effect on the first of January next succeed-  
2 ing the date on which it shall have become a law. Effective immediately,  
3 the addition, amendment and/or repeal of any rule or regulation neces-  
4 sary for the implementation of this act on its effective date are  
5 authorized to be made and completed on or before such effective date.