§ 398-d. Motor vehicle repair shop requirements. 1. All work done by a motor vehicle repair shop shall be recorded on an invoice and shall describe all service work done and parts supplied. If any used parts are supplied, the invoice shall clearly state that fact. If any component system installed is composed of new and used parts, such invoice shall clearly state that fact. If any body parts are supplied to a vehicle with a gross vehicle weight not in excess of eighteen thousand pounds, the invoice shall clearly state whether such parts were manufactured as original equipment parts for the vehicle, or were manufactured as non-original replacement parts or are used parts. One copy of the invoice shall be given to the customer and one copy shall be retained by the motor vehicle repair shop. For the purposes of insuring that the repairs described on the work invoice have been performed, every customer and his representative or a representative of an insurance company where such company has paid or is liable to pay a claim for damage to such customer's motor vehicle shall have a right to inspect the repaired motor vehicle. Such right of inspection shall also include the right to inspect all replaced parts and components thereof, except warranty or exchange parts. Provided, however, the exception for warranty or exchange parts from the right of inspection shall not apply to replacement inflatable restraint systems. Any such inspection by an insurer shall be made in a manner consistent with the requirements of sections two thousand six hundred one and three thousand four hundred eleven of the insurance law. The motor vehicle repair shop shall make available to the customer, upon timely written demand, or for such work authorized over the telephone, shall keep until the customer's motor vehicle is retrieved, all replaced parts, components or equipment excepting any parts, components or equipment normally sold on an exchange basis or subject to a warranty.

2. Upon the request of any customer, a motor vehicle repair shop shall make an estimate in writing of the parts and labor necessary for a specific job and shall not charge for work done or parts supplied in excess of the estimate without the consent of such customer. The motor vehicle repair shop may charge a reasonable fee for making an estimate. If any body parts are included in the estimate for a vehicle with a gross vehicle weight not in excess of eighteen thousand pounds, the estimate shall clearly state whether such parts were manufactured as

original equipment parts for the vehicle, or were manufactured as non-original replacement parts or are used parts.

3. Each motor vehicle repair shop shall maintain such records as are required by the regulations of the commissioner and such records shall be available for inspection by the commissioner or his designee during all business hours. Where a motor vehicle repair shop changes its name or location, notification thereof shall be given to the commissioner not more than ten days therefrom.

4. (a) Every motor vehicle repair shop shall display in a conspicuous place in such shop a sign stating: PURSUANT TO SECTION 2610 OF THE INSURANCE LAW AN INSURANCE COMPANY MAY NOT REQUIRE THAT REPAIRS BE MADE TO A MOTOR VEHICLE IN A PARTICULAR PLACE OR REPAIR SHOP. YOU HAVE A RIGHT TO HAVE YOUR AUTOMOBILE REPAIRED IN THE SHOP OF YOUR CHOICE.

(b) Such sign shall be made of a durable material capable of withstanding outdoor climatic conditions, with the letters being at least two inches high and having a stroke of at least one-half inch. The letters and background shall be of contrasting colors.

5. Every person who shall write any auto body repair estimate on behalf of a motor vehicle repair shop, whether registered or not, must hold a valid estimator's license for such purpose issued by the commissioner. The form and manner of applying for such license shall be prescribed by regulation to be promulgated by the commissioner. The commissioner shall in the commissioner's discretion establish criteria for the issuing of such license. Each application for the license required hereunder shall be accompanied by an application fee of twenty-five dollars which shall in no event be refunded. If an application is approved by the commissioner, upon payment by the applicant of the additional fee of one hundred fifty dollars, the applicant shall be granted such license which shall be valid for a period of three years. The renewal fee for any license issued pursuant to this subdivision shall be one hundred fifty dollars.

5-a. All the provisions of section three hundred ninety-eight-f of article twelve-A of this chapter shall apply to the provisions of

subdivision five of this section with the same force and effect as if the language of those provisions had been incorporated in full into subdivision five of this section and had expressly referred to the term collision estimator licensee, except that the term "certificate of registration" shall be read as "estimator's license" and the term "registrant" as "licensee".

6. (a) In addition to the requirements of subdivision one of this section, if an inflatable restraint system is replaced, the motor vehicle repair shop shall state on the repair invoice the name and tax identification number from whom such replacement inflatable restraint system was purchased. The vehicle repair shop shall, in the case of any salvaged inflatable restraint system installed, also state on the repair invoice the vehicle dismantler's registration number, the vehicle identification number of the vehicle from which the inflatable restraint system was salvaged and the part number of the salvaged inflatable restraint system. The insurer and the consumer shall receive a copy of the purchase invoice for such replacement inflatable restraint systems.

(b) An inflatable system which has been activated in a crash or stolen shall be replaced only with an inflatable restraint system newly manufactured for first-time use.

(c) Notwithstanding the provisions of paragraph (b) of this subdivision, an inflatable restraint system may be replaced by one salvaged and sold by a vehicle dismantler registered pursuant to section four hundred fifteen-a of this chapter, provided, however, that the salvaged inflatable restraint system has been sold in accordance with the provisions of section four hundred fifteen-c of this chapter.

(d) Notwithstanding any other provisions of law to the contrary, a consumer has the right to seek installation of a salvaged inflatable restraint system as provided in paragraph (c) of this subdivision, provided however, nothing shall require any facility to install a salvaged inflatable restraint system. A salvage installation shall only be done with the specific authorization of the customer. The invoice must prominently state, "Salvage inflatable restraint system." No other terms such as "used" or "as is" shall be used. The invoice must clearly state the terms of the warranty or guarantee, if given, or state "No warranty or guarantee given." A salvaged inflatable restraint system

must be of the exact same type as the unit with which the vehicle was originally equipped.

(e) On and after March first, nineteen hundred ninety-nine, in no case shall any inflatable restraint system be replaced with anything other than a newly manufactured inflatable restraint system or a salvaged inflatable restraint system certified according to standards established by a nationally recognized testing, engineering and research body as provided for in subdivision two of section four hundred fifteen-c of this chapter.

7. Each motor vehicle repair shop which either removes or installs inflatable restraint systems shall maintain a log book containing the following information: (a) the date of installation, (b) the vehicle identification number, license plate number, and make and model of the repaired vehicle, (c) the replacement inflatable restraint system's part number, (d) in the case of a salvaged inflatable restraint system, (1) the vehicle identification number of the vehicle from which the replacement inflatable restraint system was salvaged, and (2) the name, tax identification number, and registration number of the automobile dismantler from whom such salvaged inflatable restraint system was purchased, (e) in the case of a new replacement inflatable restraint system, the name and tax identification number of the supplier. Such records shall be maintained in a manner and form prescribed by the commissioner. Upon request of an agent of the commissioner or of any police officer and during its regular and usual business hours, the motor vehicle repair shop shall produce such records and permit said agent or police officer to examine them.