



Department of Business Regulation

233 Richmond Street
Providence, RI 02903

Insurance Bulletin Number 2004-4

Motor Vehicle Body Replacement Parts

Property & Casualty insurers should remain mindful of the time limit prohibitions in the use of aftermarket parts prescribed by the legislature in R.I. Gen. Laws §27-10.2-2 which provides:

(a) Whenever an insurance company, in adjusting a first party claim for motor vehicle physical damage, intends to specify the use of aftermarket parts, it shall notify the insured in writing. Any auto body repair shop conducting business in the state of Rhode Island shall not use non-original equipment manufactured (OEM) parts, also referred to as aftermarket parts, in the repair of any person's automobile, without that person giving the repairer his or her express written consent.

(b) No insurance company may require the use of aftermarket parts when negotiating repairs with any repairer unless the repairer has written consent from the vehicle owner to install aftermarket parts. The provisions of this section shall apply only to automobiles, which are less than thirty (30) months beyond date of manufacture.

Insurance Regulation 73 Section 7(B)(2) sets forth the insurer's obligations under R.I. Gen. Laws § 27-10.2-1 *et. seq.* In the handling of motor vehicle physical damage first and third party claims of vehicles which are less than thirty (30) months beyond date of manufacture, insurers should first determine if the damaged part falls within the definition of a "Damaged Motor Vehicle Body Part" as defined in Regulation 73 in order to determine if the damaged part is subject to R.I. Gen. Laws §27-10.2-1 *et. seq.*

The provisions of this Bulletin also apply to motor vehicle glass claims.

If an insurance company acts contrary to these established timeframes or standards, it may be found in violation of R.I. Gen. Laws §27-9.1-1 *et. seq.* and Insurance Regulation 73.

Marilyn Shannon McConaghy
Director, Department of Business Regulation
June 17, 2004