

HOUSE AMENDMENTS TO HOUSE BILL 2268

By COMMITTEE ON CONSUMER PROTECTION

March 27

1 On page 1 of the printed bill, delete lines 6 through 14 and insert:

2 “(1)(a) ‘Motor vehicle’ means a self-propelled device, other than a motor home, that is used:

3 “(A) To transport persons or property upon a public highway; and

4 “(B) For personal, family or household purposes.

5 “(b) ‘Motor vehicle’ does not include a motor vehicle owned as part of a fleet and maintained
6 under the terms of a maintenance contract.

7 “(2) ‘Owner’ means an individual who has legal authority or apparent legal authority to make
8 decisions concerning the maintenance or repair of a motor vehicle.

9 “(3) ‘Owner’s designee’ means an individual who received permission in accordance with section
10 5 of this 2009 Act to make decisions concerning the repair or maintenance of a motor vehicle.

11 “(4)(a) ‘Vehicle repair shop’ means an individual, corporation, partnership, limited liability com-
12 pany or other business entity that in exchange for payment evaluates the condition of, maintains
13 or repairs a motor vehicle.

14 “(b) ‘Vehicle repair shop’ does not include a motor vehicle body and frame repair shop, as de-
15 fined in ORS 746.275.”.

16 Delete lines 17 and 18 and insert “vehicle repair shop not later than before receiving final
17 payment shall give a copy of the estimate, either as a separate document or in the form of an in-
18 voice, to the owner or the owner’s designee. The vehicle repair shop shall retain a copy of the es-
19 timate. The estimate, at a minimum, must:”.

20 In line 19, before “nature” insert “general” and after “work” insert a semicolon and delete the
21 rest of the line and line 20.

22 In line 22, delete the comma and insert a semicolon and after “and” delete the rest of the line
23 and lines 23 through 27.

24 On page 2, delete lines 1 through 9 and insert:

25 “(c) List:

26 “(A) The estimated cost of labor and the parts or component systems the vehicle repair shop
27 proposes to replace;

28 “(B) The amount of any incidental charges; and

29 “(C) The total estimated cost, which may consist of a reasonable range.”.

30 In line 15, delete the comma and insert “and” and before “reassem-” insert “a separate estimate
31 of the cost for”.

32 In line 16, delete “motor vehicle”.

33 In line 18, after the semicolon insert “and”.

34 Delete lines 19 through 22.

35 In line 23, delete “(d)” and insert “(b)” and delete “maximum” and insert “estimated” and delete

1 “motor”.

2 In line 24, delete “vehicle”.

3 In line 25, after “would” insert “reasonably”.

4 In line 26, before “if” insert “if all necessary parts are available and” and after “designee” in-
5 sert “, on the day that the owner or owner’s designee receives the estimate,”.

6 In line 27, after “vehicle” insert a period and delete the rest of the line and lines 28 through
7 45.

8 On page 3, delete lines 1 through 9.

9 In line 12, delete “of a motor vehicle”.

10 In line 13, delete “\$100” and insert “\$200”.

11 In line 18, delete “physical damage to”.

12 In line 21, after “task” insert “or labor” and after the first “part” delete the rest of the line and
13 insert “in a manner”.

14 In line 22, delete “quality or condition” and after “task” insert “, labor”.

15 In line 24, delete “\$100” and insert “\$200”.

16 Delete lines 25 through 32 and insert:

17 “(2) A vehicle repair shop shall obtain a separate authorization from the owner or the owner’s
18 designee before taking an action described in subsection (1) of this section. After consulting with
19 the owner or owner’s designee, the vehicle repair shop shall:

20 “(a) Cross out, remove from or otherwise indicate on the estimate prepared under section 2 of
21 this 2009 Act the work the vehicle repair shop will not perform on the motor vehicle and recalculate
22 and display on the estimate the cost of work the vehicle repair shop will perform before obtaining
23 authorization or assent from the owner or owner’s designee; or

24 “(b) Prepare a new estimate in accordance with section 2 of this 2009 Act and void the previous
25 estimate before obtaining authorization or assent from the owner or owner’s designee.

26 “(3) The vehicle repair shop may obtain authorization or assent by any of the following
27 means:”.

28 In line 39, delete “facsimile or electronic mail” and insert “facsimile, electronic mail or other
29 electronic means”.

30 In line 41, after “mail” insert “or other electronic”.

31 In line 43, after “mail” insert “or other electronic”.

32 On page 4, line 1, delete “the vehicle repair shop does not perform” and insert “not
33 performed”.

34 In line 3, delete “of the motor vehicle”.

35 Delete lines 7 through 11 and insert:

36 “(c) Knowingly provide or install, without disclosing to the owner or the owner’s designee, a
37 used or reconditioned part.”.

38 In line 13, after “Reassemble,” insert “if all necessary parts are available, approximately”.

39 In line 17, delete “three years” and insert “one year”.

40 In line 18, after “Act” insert a period and delete the rest of the line and lines 19 through 27 and
41 insert:

42 **“SECTION 5. (1) An owner may designate a person as the owner’s designee:**

43 **“(a) In writing, either on the estimate prepared under section 2 of this 2009 Act or by**
44 **means of a separate document. The owner shall sign a written designation made in accord-**
45 **ance with this paragraph. If the designation is a separate document, the vehicle repair shop**

1 shall attach a copy of the document to the estimate.

2 “(b) Orally or by telephone. For a designation made in accordance with this paragraph,
3 the vehicle repair shop shall note on the estimate the name and telephone number of the
4 person who made the designation, the name of the owner’s designee and, if the person made
5 the designation by telephone, the date and time of the call.

6 “(2) An owner may waive the authorization requirement set forth in section 3 (2) of this
7 2009 Act only when the owner receives an explanation of the authorization requirements and
8 signs a separate document directly under a statement that conspicuously identifies the au-
9 thorization requirement.

10 “(3) An owner may not designate a motor vehicle repair shop or a principal, agent or
11 employee of a motor vehicle repair shop as the owner’s designee.

12 “(4) For purposes of this section, a statement is conspicuous if a reasonable person
13 reading the separate document should have noticed the statement.”.

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