

VEHICLE REPAIR SHOPS

646A.480 Definitions for ORS 646A.480 to 646A.495. As used in ORS 646A.480 to 646A.495:

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

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

(B) For personal, family or household purposes.

(b) "Motor vehicle" does not include a motor vehicle owned as part of a fleet and maintained under the terms of a maintenance contract.

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

(3) "Owner's designee" means an individual who received permission in accordance with ORS 646A.495 to make decisions concerning the repair or maintenance of a motor vehicle.

(4)(a) "Vehicle repair shop" means an individual, corporation, partnership, limited liability company or other business entity that in exchange for payment evaluates the condition of, maintains or repairs a motor vehicle.

(b) "Vehicle repair shop" does not include a motor vehicle body and frame repair shop, as defined in ORS 746.275. [2009 c.133 §1]

646A.482 Estimate required before beginning work; contents; evaluation. (1) A vehicle repair shop shall prepare an estimate of the cost of work the vehicle repair shop proposes to perform on a motor vehicle before beginning the work. The vehicle repair shop not later than before receiving final payment shall give a copy of the estimate, either as a separate document or in the form of an invoice, to the owner or the owner's designee. The vehicle repair shop shall retain a copy of the estimate. The estimate, at a minimum, must:

(a) Describe the general nature of the proposed work;

(b) Divide the work into separate tasks, to the extent that the work may be divided into separate tasks; and

(c) List:

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

(B) The amount of any incidental charges; and

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

(2) If a vehicle repair shop proposes to disassemble all or a portion of a motor vehicle or to remove parts or components of a motor vehicle in order to evaluate the condition of the motor vehicle for the purpose of recommending or proposing additional work, in addition to complying with the requirements shown in subsection (1) of this section, the estimate must:

(a) List the total estimated cost of performing the disassembly and evaluation and a separate estimate of the cost for reassembly, assuming for the purpose of the estimate that the owner or owner's designee elects not to proceed with work the vehicle repair shop may recommend or propose after evaluating the condition of the motor vehicle; and

(b) State the estimated amount of time, calculated from the date on which the owner or owner's designee authorizes the disassembly, evaluation and reassembly of the motor vehicle, that the vehicle repair shop would reasonably take to reassemble the motor vehicle if all necessary parts are available and if the owner or owner's designee, on the day that the owner or owner's designee receives the estimate, elects not to proceed with work the vehicle repair shop recommends or proposes after evaluating the condition of the motor vehicle. [2009 c.133 §2]

646A.486 Prohibited actions if estimate exceeds \$200; revision of estimate; methods to obtain owner authorization. (1) Except as provided in subsection (2) of this section, a vehicle repair shop may not take any of the following actions if an estimate prepared under ORS 646A.482 shows that taking the action will cost the owner or the owner's designee more than \$200:

(a) Evaluate the condition of a motor vehicle.

(b) Disassemble all or a portion of a motor vehicle or remove parts or components of a motor vehicle in order to evaluate the condition of the motor vehicle.

(c) Perform labor or replace or recondition a part in order to:

(A) Repair a motor vehicle; or

(B) Maintain the motor vehicle in or restore the motor vehicle to an operable condition or a condition that conforms with an identified or recognized standard.

(d) Use a work method or procedure, perform a task or labor or replace a part in a manner that differs from the method, procedure, task, labor or part described or identified in the estimate, if the change increases the cost specified in the estimate by more than 10 percent or by more than \$200, whichever amount is less.

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

(a) Cross out, remove from or otherwise indicate on the estimate prepared under ORS 646A.482 the work the vehicle repair shop will not perform on the motor vehicle and recalculate and display on the estimate the cost of work the vehicle repair shop will perform before obtaining authorization or assent from the owner or owner's designee; or

(b) Prepare a new estimate in accordance with ORS 646A.482 and void the previous estimate before obtaining authorization or assent from the owner or owner's designee.

(3) The vehicle repair shop may obtain authorization or assent by any of the following means:

(a) Obtaining the signature of the owner or owner's designee under a statement printed on the estimate that authorizes the action.

(b) Obtaining the oral assent of the owner or owner's designee by telephone. The vehicle repair shop shall provide the owner or owner's designee with all material information shown on the estimate and shall note on the estimate the name and telephone number of the person that gives the assent and the date and time of the call.

(c) Receiving by facsimile, electronic mail or other electronic means a written message that authorizes the work. A facsimile message must display the signature of the person that gives the authorization and the date and time of transmission. An electronic mail or other electronic message must show the name of the person that gives the authorization and the date and time of transmission. The vehicle repair shop shall attach the facsimile or a printout of the electronic mail or other electronic message to a copy of the estimate. [2009 c.133 §3]

646A.490 Additional prohibited actions; reassembly required; copies. (1) A vehicle repair shop may not:

(a) Charge a person for work not performed on a motor vehicle even if the work is shown on an estimate for which the vehicle repair shop has obtained an authorization from the owner or the owner's designee.

(b) Provide or install used parts or any component system composed of new and used parts if an estimate prepared under ORS 646A.482 indicates that the vehicle repair shop will use new parts or component systems in work performed on the motor vehicle.

(c) Knowingly provide or install, without disclosing to the owner or the owner's designee, a used or reconditioned part.

(2) A vehicle repair shop shall:

(a) Reassemble, if all necessary parts are available, approximately within the time indicated on an estimate prepared under ORS 646A.482 (2), a motor vehicle that the vehicle repair shop has disassembled or from which the vehicle repair shop has removed parts in order to evaluate the condition of the motor vehicle.

(b) Maintain for not less than one year, in electronic or printed form, legible copies of all documents required or provided under ORS 646A.480 to 646A.495. [2009 c.133 §4]

646A.495 Owner designee; waiver of authorization requirement. (1) An owner may designate a person as the owner's designee:

(a) In writing, either on the estimate prepared under ORS 646A.482 or by means of a separate document. The owner shall sign a written designation made in accordance with this paragraph. If the designation is a separate document, the vehicle repair shop shall attach a copy of the document to the estimate.

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

(2) An owner may waive the authorization requirement set forth in ORS 646A.486 (2) only when the owner receives an explanation of the authorization requirements and signs a separate document directly under a statement that conspicuously identifies the authorization requirement.

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

(4) For purposes of this section, a statement is conspicuous if a reasonable person reading the separate document should have noticed the statement. [2009 c.133 §5]

Statement from the Dept. of Environmental Quality

There can be car parts with hazardous materials such as lead-acid batteries, air bags containing sodium azide, brake pads, and mercury switches; but state and federal law would not prevent a car owner from receiving parts. For the car owner, not a business, the parts would be household hazardous waste if discarded. The car owner would still be responsible for proper disposal or recycling.

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