

Wyoming Administrative Rules

Insurance Dept.

General Agency, Board or Commission Rules

Chapter 19: After Market Parts Regulation

Effective Date: 07/13/2017 to Current

Rule Type: Current Rules & Regulations

Reference Number: 044.0002.19.07132017

CHAPTER 19 AFTER MARKET PARTS REGULATION

Section 1. Authority

These regulations are promulgated pursuant to W.S. §§ 16-3-101 *et seq.*, 26-2-110, and 26-13-101 *et seq.*

Section 2. Definitions

For the purpose of these regulations, the following definitions shall apply:

- (a) "Insurer" includes an insurance company and any person authorized to represent the insurer with respect to a claim who is acting within the scope of the person's authority.
- (b) "Non-Original Equipment Manufacturer" (Non-OEM) means any manufacturer other than the original equipment manufacturer of the part. "Part" means parts which generally constitute the exterior of a motor vehicle, including inner and outer panels. "Part" does not mean tires, windshields, or windows.

Section 3. Identification

No insurer shall directly or indirectly require the use of any non-OEM part that does not carry sufficient permanent identification so as to identify its manufacturer. Such identification shall be accessible to the extent possible after installation.

Section 4. Like Kind and Quality

No insurer shall directly or indirectly require the use of any non-OEM part unless the non-OEM part is at least equal in quality to the original part in terms of fit and performance. The cost of any modifications which may become necessary when making the repair shall be considered as a factor in determining the quality of the non-OEM part.

Section 5. Consent

- (a) No insurer shall directly or indirectly require the use of non-OEM parts nor shall any insurer accept any estimate or authorize any repair unless the consumer is advised that he or she is not required to accept non-OEM parts in the repair of the vehicle and consents in writing to the use of those parts before repairs are made.
- (b) No insurer shall directly or indirectly require the consumer to pay any difference in price if the consumer elects to use OEM parts in the repair of the vehicle.

Section 6. Disclosure

The insurer must disclose to the claimant in writing, either on the estimate or on a separate document attached to the estimate, the following information in no smaller print than 10 point type:

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AUTOMOBILE PARTS NOT MADE BY THE ORIGINAL MANUFACTURER. PARTS USED IN THE REPAIR OF YOUR VEHICLE BY OTHER THAN THE ORIGINAL MANUFACTURER ARE REQUIRED TO BE AT LEAST OF EQUAL QUALITY IN TERMS OF FIT AND PERFORMANCE TO THE ORIGINAL MANUFACTURER PARTS THEY ARE REPLACING.

(a) All Non-OEM parts to be installed on the vehicle shall be clearly identified on the estimate of such repair.

Section 7. Effective Date

This regulation shall become effective upon filing with the Secretary of State.