

**RULES
OF
TENNESSEE DEPARTMENT OF INSURANCE
INSURANCE DIVISION

CHAPTER 0780-1-59
AFTERMARKET CRASH PARTS REGULATION**

TABLE OF CONTENTS

0780-1-59-.01	Purpose	0780-1-59-.04	Disclosure
0780-1-59-.02	Definitions	0780-1-59-.05	Enforcement
0780-1-59-.03	Identification	0780-1-59-.06	Severability

0780-1-59-.01 PURPOSE.

The purpose of this Chapter is to regulate the use of aftermarket crash parts by requiring disclosure when any use is proposed of an aftermarket, non-original equipment manufacturer's crash part, and by requiring that the manufacturers of such aftermarket crash parts be identified.

Authority: T.C.A. §§56-2-301, 56-8-104(8) and 56-8-113. *Administrative History:* Original rule filed August 4, 1989; effective September 18, 1989. Repeal and new rule filed April 28, 2005; effective July 12, 2005.

0780-1-59-.02 DEFINITIONS.

The following words and terms, when used in this Chapter, shall have, unless the context clearly indicates otherwise, the following meanings:

- (1) "Aftermarket crash part" means a replacement for any of the non-mechanical sheet metal or plastic parts which generally constitute the exterior of a motor vehicle, including inner and outer panels not made for or by the manufacturer of the motor vehicle.
- (2) "Insurer" includes an insurance company and any person authorized to represent the insurer with respect to a claim.
- (3) "Non-OEM" means aftermarket crash parts not made for or by the manufacturer of the motor vehicle.

Authority: T.C.A. §§56-2-301, 56-8-104(8) and 56-8-113. *Administrative History:* Original rule filed August 4, 1989; effective September 18, 1989. Repeal and new rule filed April 28, 2005; effective July 12, 2005.

0780-1-59-.03 IDENTIFICATION.

Any aftermarket crash part specified by an insurer for use in the repair of an insured's or a third party claimant's motor vehicle, supplied by a non-original equipment manufacturer for use in this State after the effective date of this regulation shall have affixed thereto or inscribed thereon the logo or name of its manufacturer. Such manufacturer's logo or name shall be visible after installation whenever practicable.

Authority: T.C.A. §§56-2-301, 56-8-104(8) and 56-8-113. *Administrative History:* Original rule filed August 4, 1989; effective September 18, 1989. Repeal and new rule filed April 28, 2005; effective July 12, 2005.

0780-1-59-.04 DISCLOSURE.

- (1) No insurer shall specify directly or indirectly the use of non-OEM aftermarket crash parts in the repair of an insured's or third party claimant's motor vehicle without disclosing the intended use of such parts to the insured or third party claimant. In all instances where non-OEM aftermarket crash parts are intended for use by an insurer:
 - (a) The written estimate shall clearly identify each such part.
 - (b) A disclosure document containing the following information in no smaller print than ten (10) point type or larger type shall appear on or be attached to the insured's or third party claimant's copy of the estimate: "This estimate has been prepared based on the use of one or more crash parts supplied by a source other than the manufacturer of your motor vehicle. Warranties applicable to these replacement parts are provided by the parts manufacturer or distributor rather than by the manufacturer of your vehicle."
- (2) Non-OEM after market crash parts shall not be used on current year model or immediate prior year model motor vehicles without the express permission of the insured or third party claimant.

Authority: T.C.A. §§56-2-301, 56-8-104(8) and 56-8-113. **Administrative History:** Original rule filed August 4, 1989; effective September 18, 1989. Amendment filed August 13, 1999; effective October 27, 1999. Repeal and new rule filed April 28, 2005; effective July 12, 2005.

0780-1-59-.05 ENFORCEMENT.

Violations of this regulation shall be enforced through the Unfair Claim Settlement Practices Act, T.C.A. § 56-8-104(8), as provided in T.C.A. §§ 56-8-107 through 56-8-112.

Authority: T.C.A. §§ 56-2-301, 56-8-104(8) and 56-8-113. **Administrative History:** Original rule filed August 4, 1989; effective September 18, 1989. Repeal and new rule filed April 28, 2005; effective July 12, 2005.

0780-1-59-.06 SEVERABILITY.

If any section or portion of a section of this regulation or the applicability thereof to any person or circumstance, is held invalid by a court, the remainder of this regulation, or the applicability of such provision with a person shall not be affected thereby.

Authority: T.C.A. §§56-2-301, 56-8-104(8) and 56-8-113. **Administrative History:** Original rule filed August 4, 1989; effective September 18, 1989. Repeal and new rule filed April 28, 2005; effective July 12, 2005.