

By: Villarreal

H.B. No. 4526

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure of charges for motor vehicle repairs;
providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 2, Business & Commerce Code, is amended by
adding Chapter 22 to read as follows:

CHAPTER 22. DISCLOSURE OF MOTOR VEHICLE REPAIR CHARGES

Sec. 22.01. DEFINITION. In this chapter, "motor vehicle
repair dealer" means a person in the business of repairing motor
vehicles.

Sec. 22.02. SCHEDULE OF CHARGES. (a) Before taking custody
of a motor vehicle, a motor vehicle repair dealer shall provide a
customer with a written schedule of charges that includes:

(1) the charge for making an estimate of repairs;

(2) the total charge for releasing a motor vehicle to
the customer in a disassembled state, if the dealer does not repair
the vehicle;

(3) the total charge for releasing a motor vehicle to
the customer in substantially the same condition as the vehicle was
in when delivered to the dealer, if the dealer does not repair the
vehicle;

(4) storage charges;

(5) towing charges; and

(6) an itemized list of all other charges, other than

1 the charges to be included in the estimate under Section 22.04.

2 (b) A motor vehicle repair dealer may not charge a person
3 for a service not listed on the schedule of charges or the estimate
4 under Section 22.04.

5 (c) A motor vehicle repair dealer shall require the customer
6 to sign the itemized schedule of charges to acknowledge that the
7 customer has read the schedule. A motor vehicle repair dealer shall
8 provide a customer a copy of the signed schedule, and shall retain a
9 copy of the signed schedule until the first anniversary of the date
10 the customer signed the schedule.

11 Sec. 22.03. PROVISION OF SCHEDULE OF CHARGES IF VEHICLE IS
12 TOWED. If a customer's motor vehicle is brought to the motor
13 vehicle repair dealer by a towing service and the dealer does not
14 have an opportunity to provide the written schedule of charges to
15 the customer before taking custody of the vehicle, the dealer may
16 provide the schedule at the time the dealer provides the customer
17 the estimate under Section 22.04.

18 Sec. 22.04. WRITTEN ESTIMATE. (a) A motor vehicle repair
19 dealer may not perform repair work on a motor vehicle before the
20 dealer provides a written estimate of:

21 (1) the total charges for the repairs, not including
22 any applicable tax; and

23 (2) the time in which the repairs will be completed.

24 (b) If the motor vehicle repair dealer must disassemble a
25 major component of a vehicle to make an estimate, the dealer shall
26 disclose that fact to the customer before the dealer disassembles
27 the component.

1 (c) After receiving an estimate under this section, a
2 customer may authorize the repairs or may request the return of the
3 customer's vehicle in a disassembled state or in substantially the
4 same condition as the vehicle was in when delivered to the dealer.

5 (d) A motor vehicle repair dealer may not charge an amount
6 that exceeds the estimate by the greater of 10 percent or \$10,
7 unless the dealer notifies the customer in writing or by telephone
8 and the customer authorizes the increase. If the authorization is
9 made by telephone, the dealer shall note on the work order or
10 invoice:

11 (1) the date and time of the authorization;

12 (2) the name of the person giving the authorization;

13 and

14 (3) if the authorization was obtained by a telephone
15 call made by the motor vehicle repair dealer to the customer, the
16 telephone number called.

17 (e) If the motor vehicle repair dealer is unable to complete
18 the repair work in the time estimated, the dealer shall notify the
19 customer, and the customer may request the return of the vehicle in
20 a disassembled state or in substantially the same condition as the
21 vehicle was in when delivered to the dealer.

22 Sec. 22.05. RETURN OF VEHICLE. If a customer requests the
23 return of the customer's vehicle under Section 22.04(c) or (e), the
24 dealer shall return the vehicle to the customer not later than the
25 third working day after the customer requests the return. The
26 dealer may impose a charge for returning a vehicle only if the
27 amount of the charge is included in the schedule under Section

1 22.02.

2 Sec. 22.06. PROVISION OF DETAILED INVOICE. (a) A motor
3 vehicle repair dealer shall record work performed on an invoice
4 that:

5 (1) describes the repair work done with reasonable
6 particularity;

7 (2) lists the name and exact charge for each part
8 supplied and clearly discloses whether each part supplied was used,
9 rebuilt, or reconditioned; and

10 (3) discloses the trade name, business address, and
11 business telephone number of the dealer.

12 (b) The motor vehicle repair dealer shall provide one copy
13 of the invoice to the customer and shall retain one copy until the
14 first anniversary of the date the repair work is completed.

15 Sec. 22.07. RETURN OF REPLACED PART. A motor vehicle repair
16 dealer shall return a replaced part to the customer if requested by
17 the customer when the estimate is given. A dealer is not required
18 to return a part that must be returned to the manufacturer or
19 distributor under a warranty or for exchange.

20 Sec. 22.08. EXCEPTION. A motor vehicle repair dealer is not
21 required to provide a written schedule or estimate under this
22 chapter if the dealer charges \$15 or less for the repair work.

23 Sec. 22.09. CIVIL PENALTY. (a) A motor vehicle repair
24 dealer is liable to the state for a civil penalty not to exceed \$500
25 for each violation.

26 (b) The attorney general may sue to collect the penalty.

27 SECTION 2. This Act takes effect September 1, 2009.