


# South Carolina Legislature

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## S 644

Session 112 (1997-1998)

### S 0644 General Bill, By Cork

Similar(H 3843)

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 33 TO TITLE 56 SO AS TO REQUIRE A MOTOR VEHICLE REPAIR FACILITY TO PROVIDE A CUSTOMER A WRITTEN ESTIMATE, TO REQUIRE CONSENT FROM THE CUSTOMER BEFORE SERVICE OR REPAIR BEGINS, TO PREVENT A MOTOR VEHICLE REPAIR FACILITY FROM EXCEEDING ITS APPROVED ESTIMATE, TO REQUIRE DISPLAY OF THESE REGULATIONS IN THE FACILITY, TO REQUIRE NOTICE OF USE OF "AFTER MARKET" OR USED PARTS, TO GIVE CUSTOMERS THE RIGHT TO INSPECT AND RETAIN REPLACED PARTS, AND TO PROVIDE REMEDIES AND PENALTIES FOR FAILURE TO COMPLY WITH THESE PROVISIONS; AND TO AMEND SECTION 29-15-10, RELATING TO LIENS FOR CHARGES FOR REPAIRS AND STORAGE, SO AS TO REQUIRE NOTICE BY CERTIFIED MAIL RETURN RECEIPT REQUESTED AND TO EXCLUDE CHARGES NOT AUTHORIZED AS PROVIDED IN THIS CHAPTER.

04/10/97 Senate Introduced and read first time SJ-13

04/10/97 Senate Referred to Committee on Transportation SJ-13

### A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 33 TO TITLE 56 SO AS TO REQUIRE A MOTOR VEHICLE REPAIR FACILITY TO PROVIDE A CUSTOMER A WRITTEN ESTIMATE, TO REQUIRE CONSENT FROM THE CUSTOMER BEFORE SERVICE OR REPAIR BEGINS, TO PREVENT A MOTOR VEHICLE REPAIR FACILITY FROM EXCEEDING ITS APPROVED ESTIMATE, TO REQUIRE DISPLAY OF THESE REGULATIONS IN THE FACILITY, TO REQUIRE NOTICE OF USE OF "AFTER MARKET" OR USED PARTS, TO GIVE CUSTOMERS THE RIGHT TO INSPECT AND RETAIN REPLACED PARTS, AND TO PROVIDE REMEDIES AND PENALTIES FOR FAILURE TO COMPLY WITH THESE PROVISIONS; AND TO AMEND SECTION 29-15-10, RELATING TO LIENS FOR CHARGES FOR REPAIRS AND STORAGE, SO AS TO REQUIRE NOTICE BY CERTIFIED MAIL RETURN RECEIPT REQUESTED AND TO EXCLUDE CHARGES NOT AUTHORIZED AS PROVIDED IN THIS CHAPTER.


Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 56 of the 1976 Code is amended by adding:

"CHAPTER 33

Motor Vehicle Repair and Service

Section 56-33-10. For the purposes of this chapter:

- (1) 'Customer' means a person contracting for, or intending to contract for, diagnoses, repairs, or services upon a motor vehicle used primarily for personal or business use.
- (2) 'Motor vehicle' means every self-propelled vehicle which is subject to registration, except 'moped' as defined in Sections 56-1-1710 and 56-5-165, and every device in, upon, or by which a person or property is or can be transported or drawn upon a highway by mechanical means.
- (3) 'Motor vehicle repair facility' means any person, motor vehicle dealer, garage, body shop , or other service center engaged in diagnoses, repairs, or services to a motor vehicle for the purpose of making a profit.

(4) 'After market parts' means bodyparts that have been manufactured as nonoriginal replacement parts.

(5) 'Used parts' means parts that are used, rebuilt, or reconditioned.

Section 56-33-20. (A) Upon request by a customer, and before the commencement of repair work, including diagnostic work, on a motor vehicle for which a consumer is likely to be charged more than fifty dollars, the motor vehicle repair facility must furnish the customer a written statement of:

- (1) the estimated cost of labor necessary to complete the work;
- (2) the estimated cost of parts necessary to complete the work;
- (3) a description of the problem or work as described or requested by the consumer; and
- (4) the estimated completion time.

(B) If a customer requests an estimate, the repair facility may not undertake repair on the motor vehicle without oral or written authorization, other than limited diagnostic work as may be necessary for the preparation of an estimate. The customer may waive in writing his right to an estimate.

(C) When the estimate is for the purpose of or includes diagnosing a motor vehicle malfunction, the written estimate must include the cost of diagnosis and disassembly and the cost of reassembly if the customer does not authorize the repair.

(D) When body parts are included in the estimate, the written estimate must state clearly if the parts were manufactured as original equipment parts for the motor vehicle, were manufactured as after market parts, or are used parts. When parts other than body parts are included in the estimate, the estimate must state clearly if the parts were manufactured as original replacement parts for the vehicle or are used parts.

(E) A motor vehicle repair facility may not charge for diagnoses, repairs, services, or other work exceeding the estimated amount by the lesser of ten percent or fifty dollars, without oral or written consent from the customer. If consent is oral, the motor vehicle repair facility must make a notation on the work order of the date, time, name of person authorizing the additional work, telephone number called, specification of the additional parts and labor, and the total additional cost.

(F) If the customer cancels the order for work after being advised that the estimated amount will be exceeded by ten percent or fifty dollars, the motor vehicle repair facility must reassemble expeditiously the motor vehicle in a condition reasonably similar to the condition in which it was received unless the customer waives reassembly. Costs attributable to the tear down and reassembly, including parts and labor, may be charged to the customer only if he was notified of these possible costs in the written estimate before the commencement of diagnostic work.

(G) A motor vehicle repair facility must display conspicuously in an area frequented by persons seeking diagnoses, repairs, or services on motor vehicles a sign, not less than twenty-two by twenty-eight inches in size and in boldface letters at least 2 inches high and " inch wide, with the following:

'SOUTH CAROLINA STATE LAW GIVES YOU, THE CUSTOMER, THE RIGHT TO ASK FOR AND TO RECEIVE A WRITTEN ESTIMATE OF TOTAL CHARGES FOR WORK ON YOUR CAR. IF YOU DO NOT WAIVE THIS RIGHT IN WRITING, NO WORK CAN BEGIN ON YOUR CAR WITHOUT YOUR CONSENT TO THE CHARGES, AND YOU CAN STOP THE WORK ON YOUR CAR IF THE CHARGES ARE MORE THAN TEN PERCENT OR FIFTY DOLLARS HIGHER THAN THE WRITTEN ESTIMATE.'

Section 56-33-30. Upon completion of service or repair work on a motor vehicle, including work performed pursuant to a warranty, a motor vehicle repair facility must provide the customer a written invoice which clearly indicates the work performed and the charges for parts and labor, separately stated, and which separately identifies those parts provided under warranty, not under warranty, after market parts, and used parts.

Section 56-33-40. A motor vehicle repair facility must offer, in connection with the written estimate, to return to the customer parts which are removed from the motor vehicle and replaced during the process of repair except for a part which is required to be returned to a manufacturer or distributor under a warranty agreement, trade-in agreement, or core charge agreement for a reconditioned

part. The customer retains the right to inspect requested returned parts even if custody cannot be granted.

Section 56-33-50. Each motor vehicle repair facility must maintain records, estimates, and invoices of all diagnoses, services, and repairs performed on motor vehicles for one year following the date of delivery.

Section 56-33-60. An action brought under this chapter must be commenced within one year following the date of delivery of the motor vehicle to the consumer.

Section 56-33-70. Each violation of the provisions of this chapter constitutes a separate prohibited practice and is punishable by a fine of not more than one thousand dollars. If it is determined by a court of competent jurisdiction that a violation is wilful, the court may impose a fine of not less than five hundred fifty dollars or thirty days in jail, or both, for each violation.

Section 56-33-80. Notwithstanding other provisions of law, it is unlawful for a motor vehicle repair facility to fail to return a customer's motor vehicle because the customer has refused to pay for unauthorized work or for work resulting in charges in excess of the written estimate by ten percent or fifty dollars."

SECTION 2. Section 29-15-10 of the 1976 Code is amended to read:

"Section 29-15-10. **(A)** It is lawful for *any the* proprietor, owner, or operator of *any a* storage place, garage, or repair **shop** of whatever kind or repairman who makes repairs upon *any an* article under contract or furnishes *any* material for the repairs to sell the property as provided in this section. When property has been left at his **shop** for repairs or storage, and after the completion of these repairs or the expiration of the storage contract, and the article has been **retained** continuously *retained* in his possession, the property may be sold at public auction to the highest bidder *upon the expiration of thirty days* after written notice pursuant to certified mail return receipt requested has been given to the owner of the property and to *any a* lienholder with a perfected security interest in the property that the repairs have been completed or storage charges are due. The property must be sold by *any a* magistrate of the county in which the work was done or the vehicle or thing was stored. *However,* Only those storage charges which accrued after the day on which written notice was mailed to the lienholder constitutes a lien against the vehicle or property to be sold.

**(B)** The magistrate *shall,* before selling the property, **insure shall ensure** that *any lienholder all* **lienholders** of record *has have* been notified of the pending sale, and the magistrate shall advertise the property for at least fifteen days by posting a notice in three public places in his township. *He shall,* After deducting all proper costs and commissions, **the magistrate shall** pay to the claimant the money due to him, taking his receipt for it, after which *he the magistrate* shall deposit the receipt, as well as the items of costs and commissions, with the remainder of the money or proceeds of the sale in the office of the clerk of court subject to the order of the owner of the article and *any lienholders a lienholder* having a perfected security interest in the article or *any a* legal representative of the owner or the lienholder. The magistrate who sells the property is entitled to receive the same commissions as allowed by law for the sale of personal property by constables.

**(C)** When the value of the **repaired or stored** property *repaired or stored* does not exceed ten dollars, the **storage proprietor,** owner, operator, or repairman may sell the property at public auction to the highest bidder *upon the expiration of thirty days* after written notice has been given to the owner of the property that the repairs have been completed or storage charges are due. *and if A* description of the article to be offered for sale and the cost of it **has must have been advertised** from the time of the written notice *advertised,* together with the time and place of the proposed sale, in a prominent place in the **shop** or garage, on the county bulletin board at the courthouse, and in some other public place. The sale must be made for cash to the highest bidder at the **shop** or garage at which the repairs were made or storage incurred at ten a.m. on the first Monday of the first month after the thirty days' notice has been given and the true result of the sale must be *immediately* made known **immediately** to the original owner of the article sold, by notice addressed to the last-known address of the owner.

**(D)** This section does not apply to work on a motor vehicle, written estimated charges for which, or the charges in excess of the written estimated charges for which, were not authorized pursuant to Chapter 33, Title 56."

SECTION 3. This act takes effect upon approval by the Governor.

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