

50 STATE GUIDE AUTO REPAIR LEGISLATION/REGULATION



**AUTOMOTIVE
MAINTENANCE •
REPAIR
ASSOCIATION**



**MOTORIST
ASSURANCE
PROGRAM**

STANDARDS FOR AUTOMOTIVE REPAIR

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State Regulations Affecting Auto Repair Facilities

Alabama

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Additional Resources

Used Oil Generator Fact Sheet: <http://www.adem.state.al.us/LandDivision/guidance.htm> (click on "The Used Oil Generator")

Advertising

Alabama does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Code of Ala. §§ 8-19-1 through 8-19-15

Estimates

No Statutes/Regulations available at this time

Filter Recycling and Disposal

Alabama follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours and drained until there is no free-flowing used oil.

The Alabama Department of Environmental Management Strongly recommends that filters be recycled rather than landfilled.

40 CFR 261.4(b)(13); also see Used Oil Generator Fact Sheet (link below)

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

Alabama imposes an excise tax of \$.04 per gallon on the sale, use, distribution, storing or withdraw from storage of motor oil. The tax applies to manufacturers, distributors, refiners and retail dealers of motor oil. However, the tax must only be paid one time. Therefore, as long as the manufacturer or a distributor has paid the excise tax, MAP would not be required to pay it.

Code of Ala. § 40-17-220

Parts Return

No Statutes/Regulations available at this time

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Alabama's Deceptive Trade Practices Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

No Statutes/Regulations available at this time

Tire Recycling and Disposal (Including Fees)

The Alabama Scrap Tire Environmental Quality Act became effective October 1, 2004. This Act sets forth requirements pertaining to the storage, transportation and processing of waste tires. No person may accumulate more than 100 scrap tires, except as a permitted processor, registered receiver, or permitted landfill. No person may expose accumulated scrap tires to the elements for more than 30 days. Persons violating the act are subject to criminal penalties. (See Title 22, Chapter 40A of Alabama Code for full details).

A "scrap tire environmental fee" in the amount of \$1 per tire must be collected from the customer upon the purchase of replacement tires. The fees collected are to be paid monthly to the Department of Revenue using the electronic payment system set up by the Department. Tire dealers may retain 7% of the fees collected to cover the administrative costs of fee collection and payment to the State.

Alabama law does not expressly prohibit charging an additional tire disposal fee or including it in calculating shop fees.

Code of Ala. § 22-40A-14

Warranties

No Statutes/Regulations available at this time

Alaska

Additional Notices/Disclosures

The shop must post a conspicuously located and easily readable sign that states: "You are entitled to a price estimate for the repairs you authorize if you request the estimate before the repairs are begun. This price estimate will not be exceeded if the motor vehicle is delivered to the shop within five days. After the motor vehicle is delivered to the shop the repair price may be less than the estimate but will not exceed the estimate without your permission. Your signature on the repair order will indicate your authorization of repairs at the price estimated. You are entitled to the return of any or all replaced parts, except parts which must be returned to a manufacturer because of warranty and/or exchange agreement, if you request the parts at the time your order is taken. Those parts which must be returned to the manufacturer will be made available for inspection to you when you pick up your vehicle if you request the parts at the time your repair order is taken."

Alaska Stat. § 45.45.150

Advertising

Alaska does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

Repair Order. Must provide a copy of the repair order upon request of the customer. The repair order must be legible and contain the following information: (1) the date; (2) the repairs to be performed; (3) the odometer reading of the customer's vehicle; and (4) a signature of the repair shop agent and/or employee.

Price Estimate. Must provide the customer with a price estimate for the repairs upon request. The repair price estimate shall be made in good faith by the shop and may not be exceeded except for good cause. Additional charges over the price estimate may not be incurred without approval of the customer. A shop may not charge for making a repair price estimate unless, before making the estimate, the shop discloses to the customer the amount of the charge, or, if the amount cannot be determined, the basis on which the charge will be calculated. A shop may not impose, or threaten to impose, a charge that is clearly excessive in relation to the work involved in making the price estimate.

Additional Costs and/or Repairs. If the price for the authorized repairs will exceed the original estimate, or if repairs other than those previously authorized are needed, the shop must call the customer before continuing with the repairs and must provide the customer with a new, good faith estimate of the repair price. The shop may not continue with the repairs until it receives the customer's written or oral authorization to do so. If the shop does not receive the customer's authorization to proceed with the repairs, the shop shall either agree to perform the repairs at the original estimated price or provide for the customer to retake possession of the vehicle in at least as good condition as it was delivered to the shop and notify the customer accordingly. A written authorization for additional repairs and/or additional costs must be made on the repair order, or on the invoice when a repair order is not requested, and must specify newly authorized repairs, as well as the newly authorized repair price estimate. If authorization is received orally, the shop must specify this information on the repair order or invoice. It must also specify the date and time of authorization, and the person and telephone number called.

Alaska Stat. §§ 45.45.130, 45.45.140, 45.45.160, 45.45.70

Filter Recycling and Disposal

Alaska follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. Alaska recommends that used oil filters be drained for 12 hours.

40 CFR 264.1(b)(13).

Invoices

The shop must provide every customer, at the time the customer retakes possession of the motor vehicle, with a copy of a dated invoice detailing the costs of all parts and labor involved in the repair, and identifying all parts replacements as being either new, used, rebuilt, or reconditioned.

The following statement must be conspicuously printed, either on the invoice or on another form given to every customer for whom the shop performs repairs:

"Motor vehicle repair trade practices are regulated by Alaska Statutes 45.45.130 -- 45.45.240, administered by the Alaska Department of Law."

Alaska Stat. §§ 45.45.190, 45.45.210

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

Parts from a customer's motor vehicle that are replaced by the shop must be returned to the customer if they are requested by the customer at the time the repair order is taken. However, parts that must be returned to the manufacturer because of a warranty or exchange agreement need not be returned to the customer upon request but shall instead be made available for the customer's inspection when the customer retakes possession of the motor vehicle.

Alaska Stat. § 45.45.180

Prohibited Practices

A shop may not misrepresent, directly or by implication:

- (1) the cost of repairs authorized by the customer;
- (2) the terms or conditions of a warranty or service agreement;
- (3) that repairs are necessary;
- (4) that repairs have been made; or
- (5) that the motor vehicle is in a dangerous condition, or that the customer's continued use of the motor vehicle will be hazardous to persons or harmful to the motor vehicle.

A shop may not collect or attempt to collect for:

- (1) repairs not authorized either orally or in writing by the customer;
- (2) repairs which the shop knew or reasonably ought to have known to be unnecessary; or
- (3) repairs that have not been made.

A shop that is also a warrantor or a party to a service agreement may not refuse to repair a motor vehicle in accordance with the terms and conditions of the warranty or service agreement.

A shop may not fail to return a customer's motor vehicle because the customer has refused to pay for unauthorized repairs, or because the customer has refused to pay repair charges in excess of the price authorized, if the customer pays the authorized price for the authorized repairs.

A shop may not alter a customer's motor vehicle with intent to create a condition requiring repairs.

Alaska Stat. § 45.45.200

Record Retention

A shop must maintain repair records and invoices for parts purchased by the shop. The records must be available for reasonable inspection by the attorney general or other persons acting at the request of the attorney general and must be retained for at least two years.

Also, see Tire Recycling and Disposal (above)

Alaska Stat. § 45.45.220

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Alaska's Unfair Trade Practices and Consumer Protection Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

No Statutes/Regulations available at this time

Tire Recycling and Disposal (Including Fees)

Sellers of tires are required to collect a fee of \$ 2.50 per tire for every tire sold that is designed for use on a highway. Additionally, sellers must collect a fee of \$5 per tire for motor vehicle tire designed for use on a highway that are studded with metal studs or spikes weighing more than 1.1 grams each embedded in the periphery of the tire surface and protruding beyond the tread surface of the tire. This fee must also be paid if the metal studs or spikes are installed on a vehicle tire designed for use on a highway.

Seller must add the amount of the fees to the total price of the tire or service subject to the fees, and the fees must be stated separately on any sales receipt, invoice, or other record of the sale or other transfer or of the installation of studs. The tire fees are not subject to sales or use tax. Because the fees must be separately stated and are not subject to tax, they may not be included in calculating shop fees.

Sellers must file a return on a form prescribed by the department and remit the fees collected to the department no later than 30 days following the last day of the calendar quarter of the sale or installation. Sellers may retain 5% of the fees collected (not exceeding \$900 per quarter) to cover expenses associated with collecting and remitting the fees.

Each seller who collects a tire fee must maintain records of inventories to account for:

- (1) tire inventories on the first day of each month;
- (2) tire inventories on the last day of each month;
- (3) tires purchased, produced, or otherwise received in each month;
- (4) tires sold or transferred in each month; and
- (5) tires and services to which a fee imposed does not apply. Sellers must maintain for three years after the due date of a return, or the date the return was filed, whichever is later, all books and records required.

Alaska Stat. § 43.98.025

Warranties

No Statutes/Regulations available at this time

Arizona

Abandoned Vehicles

See A.R.S. §§ 28-4840 thru 28-4842 for requirements pertaining to procedures for when vehicle are abandoned by their owners at a repair facility.

Additional Notices/Disclosures

A non-OEM (aftercrash) part may not be used unless the manufacturer of the part has inscribed its name or logo on the part.

1. Clearly identifies each part.
2. Contains the following information in ten point or larger type:

"This estimate has been prepared based on the use of replacement parts supplied by a source other than the manufacturer of your motor vehicle. Warranties applicable to these replacement parts are provided by the manufacturer or distributor of these parts rather than the manufacturer of your vehicle."

ARS § 44-1291 et. seq.

Advertising

Advertisements or other printed promotional materials related to the retail sale of tires must contain the following language printed in bold:

"State or local taxes or surcharges for environmental protection will be an extra charge."

A.R.S. §44-1302

Estimates

If non-OEM parts are used, the estimate must contain the following information in ten point or larger type:

"This estimate has been prepared based on the use of replacement parts supplied by a source other than the manufacturer of your motor vehicle. Warranties applicable to these replacement parts are provided by the manufacturer or distributor of these parts rather than the manufacturer of your vehicle."

Filter Recycling and Disposal

Arizona follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. Contact your landfill prior to sending large volumes for disposal. Arizona recommends recycling filters rather than landfilling when possible.

40 CFR 261.4(b)(13); A.R.S. § 49-802; see also Used Oil Filter Fact Sheet ([link below](#))

Invoices

No Statutes/Regulations available at this time

Mechanic Certification

Arizona Statutes § 49-542.02 provides for a mechanic education program within the state emissions inspection and maintenance program.

Other Mandatory State Fees

No Statutes/Regulations available at this time



Parts Return

No Statutes/Regulations available at this time

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Arizona's Consumer Fraud Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Sellers of new batteries may charge no more than a \$15 fee per battery. The customer is entitled to have this fee reimbursed if, within 45 days of the purchase, he returns a used battery and displays a receipt for the new battery just purchased. Sellers are expressly prohibited from charging any additional fees for accepting used batteries upon the sale of a new battery. However, sellers may keep any lead acid battery fees which are not properly claimed within thirty days of the purchase.

Sellers are also required to post a written notice that is clearly visible in the public sales area and that contains the following language:

"It is unlawful to dispose of a motor vehicle battery or other lead acid battery in a landfill or any unauthorized site.

Recycle all used batteries.

This seller is required by law to accept used lead acid batteries. When any new lead acid battery is purchased, an additional fee of five dollars will be charged unless a used battery is returned for refund within thirty days."

A.R.S. § 44-1323

Tire Recycling and Disposal (Including Fees)

Whole tires are banned from disposal in landfills. Chopped or shredded tires can be mono-filled but not landfilled. Chopped or shredded tires can also be used as waste tire daily cover at a solid waste landfill. Scrap tire manifests are required for disposal of tires at a collection site. Retail tire sellers must accept waste tires from customers at the point of transfer. [See Arizona Revised Statutes, Title 44, Chapter 9, Article 8 (ARS § 44-1301 et seq) for more details]

Retail sellers of new tires must collect a fee of 2% of the purchase price of the new tires but not more than \$2 per tire. As the maximum amount that may be collected is \$2 per tire, retailers cannot mark-up the state tire fee or charge an additional disposal fee unless the state tire fee (2% of the purchase price) is less than \$2 per tire. The fees are to be paid to Department of Revenue on a quarterly basis. Retailers may retain a credit of \$.10 per tire for collection and administration of the fees. The fee charged to customers must be listed separately on invoices. Therefore, it cannot be included in calculating shop fees.

Additionally, sellers of motor vehicle tires shall post a written notice that is clearly visible in the public sales area of the business that contains the following language:

"It is unlawful to throw away a motor vehicle tire.

Recycle all used tires.

This retailer is required to accept scrap tires if any new or recapped tires are purchased here. When any new tire is purchased, an additional fee will be charged."

Additionally, advertisements or other printed promotional material related to the retail sale of tires shall contain the following notice in bold print: "State or local taxes or surcharges for environmental protection will be an extra charge."

A.R.S. §§ 44-1302 through 44-1304.01

Warranties

No Statutes/Regulations available at this time

Arkansas

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Additional Resources

Regulation 23, Section 279 (Management of Used Oil):
http://www.adeq.state.ar.us/regs/files/reg23_final_080526.pdf

Advertising

Arkansas does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

If non-original equipment manufacturer aftermarket crash parts are used in preparing an estimate for repairs, the written estimate must clearly identify such parts. A disclosure document attached to the estimate shall contain the following information in no smaller than 10-point type:

"THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THE AFTERMARKET CRASH PARTS USED IN THE PREPARATION OF THIS ESTIMATE ARE WARRANTED BY THE MANUFACTURER OR DISTRIBUTOR OF SUCH PARTS INSTEAD OF THE MANUFACTURER OF YOUR VEHICLE."

Whenever repairs are made involving replacement crash parts and the vehicle is still under the manufacturer's original warranty, only original equipment manufacturer replacement crash parts may be used by the repair facility unless the owner gives written consent otherwise.

ACA §§ 4-90-305, 4-90-306

Filter Recycling and Disposal

Arkansas follows state and federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation (and may be disposed of as general refuse) if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. Used oil filters must be hot-drained for 12 hours.

40 CFR 261.4(b)(13); Arkansas Pollution Control and Ecology Commission Regulation 23, Section 279; see also Used Oil Filter Fact Sheet (link below)

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

A repair facility must deliver to any customer purchasing an electronic or mechanical apparatus, the record of warranty and statement of service availability, which the manufacturer includes in the original carton or container of the product. Additionally, information regarding the manufacturer warranty must be provided upon request.

ACA § 4-88-107(a)(4)

Record Retention



Motor vehicle parts wholesalers or retailers are required to retain at the place of business for 90 days a record of:

1. All motor vehicle parts, tires, or accessories acquired by such person by purchase, trade, or pawn from any person other than an authorized dealer in motor vehicle parts, tires, or accessories;

and

2. Each completed transaction, including:

- (1) a description of the part, tire, or accessory involved;
- (2) a description of the person from whom the part, tire or accessory was acquired;
- (3) a description, including the license number, of any motor vehicle in that person's possession; and (4) such other information as may be reasonably required for the purpose of the Arkansas code.

The record shall be kept available at the place of business for inspection by any law enforcement officer.

ACA § 17-18-104

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Arkansas' Deceptive Trade Practices Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Sellers of new batteries are required to accept used batteries from customers and must charge a \$10 fee per new battery sold. The customer is entitled to have this fee reimbursed if:

- Within 30 days of the purchase, he returns a used battery to the retailer;
- He provides a valid police report indicating that the battery was stolen; or
- The purchase is for installation in an item, which was sold without a lead acid battery and the customer signs a written statement indicating such.

Sellers may keep any lead acid battery fees, which are not properly claimed within thirty days of the purchase.

Sellers must also post written notices (8.5" x 11" or larger) that contain the universal recycling symbol and the following language:

- "It is illegal to discard a motor vehicle or marine battery;"
- "Recycle your used batteries;"
- "State law requires us to accept used lead acid batteries for recycling, in exchange for new lead acid batteries purchased;" and
- "When you purchase any new lead acid battery, you will be charged an additional ten dollars (\$10.00) unless you return a used lead acid battery for refund within thirty (30) days."

A.C.A. § 8-9-303

Tire Recycling and Disposal (Including Fees)

Retail sellers of new tires must charge a post-tax fee of \$2 per automobile tire and \$5 per truck tire. The fees collected are to be paid monthly to the Department of Finance and Administration by the 20th day of the following month and should be accompanied with a form prescribed by the Department of Revenue. Tire retailers may retain 5% of the fees collected to cover the administrative costs of fee collection and payment to the State but may not charge the customer for any additional disposal fees. The fee charged to customers must be listed separately on invoices. Therefore, it cannot be included in calculating shop fees.

A.C.A. § 8-9-404

Warranties

No Statutes/Regulations available at this time

California

Accepted Trade Standards

§ 3321 Brake Adjusting Station Operation and Equipment Requirements.

The operation of official brake adjusting stations shall be subject to the following provisions:

a) Each station shall be equipped with the following tools according to the class of station.

1) All stations shall be equipped with:

A) Suitable hand tools.

B) A brake drum diameter gauge capable of measuring increments of 0.005 inch.

C) A disc brake rotor thickness gauge capable of measuring increments of 0.001 inch.

D) A disc brake rotor runout gauge capable of measuring increments of 0.001 inch.

E) Brake lining gauges capable of measuring thickness of remaining usable brake lining either in fractions of an inch or in percentage of lining remaining.

F) Torque wrenches capable of measuring torsion in accordance with vehicle manufacturer's installation and adjustment specifications.

2) Class A and B stations shall be equipped with:

A) A vacuum brake test kit with a gauge capable of measuring in inches of mercury

B) An airbrake pressure test gauge accurate to +1 psi.

B) Each station shall maintain in a location readily accessible to its licensed adjusters a current copy of the following:

1) The bureau's Handbook for Brake Adjusters and Stations, referenced in subsection (a) of Section 3305 of this Chapter.

2) All appropriate and current standards, specifications, directives, manuals, bulletins, and instructions issued by motor vehicle, brake, and brake equipment manufacturers that are applicable to vehicles for which the station adjusts brakes.

3) Service manuals and operating instructions issued by the manufacturers for all brake inspection tools, instruments, machines, devices and equipment used by the station.

C) Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from the bureau for a fee of three dollars and fifty cents (\$3.50) and shall not purchase or otherwise obtain such certificates from any other source. A licensed station shall not sell or otherwise transfer unused certificates of adjustment. Full payment is required at the time certificates are ordered. Certificates are not exchangeable following delivery. Issuance of a brake adjustment certificate shall be in accordance with the following provisions:

1) When a brake adjustment certificate is issued to an applicant for an authorized emergency vehicle permit, the certificate shall certify that the vehicle has been road-tested and that the entire braking system meets all requirements of the Vehicle Code and bureau regulations.

2) Where the entire brake system on any vehicle has been inspected or tested and found to be in compliance with all requirements of the Vehicle Code and bureau regulations, and the vehicle has been road-tested, the certificate shall certify that the entire system meets all such requirements.

3) When a customer asks for a certificate of brake adjustment in conjunction with clearance of an enforcement form, the adjuster may, if requested, inspect and certify only the portion of the brake system specified as defective on the enforcement form. Where the entire system has not been tested or inspected or one or more defects have been corrected, the certificate shall indicate which tests or inspections have been performed, or which defect or defects have been corrected.

4) A certificate shall be valid for 90 days after its issuance to a consumer.

(d) After correcting specified defects, official brake adjusters shall certify that defects indicated on citations or other enforcement forms have been corrected.

1) The adjuster shall inform the customer of any other defective conditions present or likely to occur in the future, which have come to the adjuster's attention in conjunction with inspection of the vehicle and correction of specified defects. The adjuster shall inform the customer of the percentage of braking material left on pads/shoes, as appropriate.

2) If the customer does not authorize additional repairs to correct other defects found during the inspection, the adjuster shall certify that only the specific defects listed on the enforcement form have been corrected.

3) Only a licensed adjuster employed at an official adjusting station may sign an enforcement form as an official adjuster. The adjuster's license number, the license class, and the official station license number shall be included with the signature.

4) Certification by a licensed adjuster on an enforcement form that a violation has been corrected shall include the date of correction, the station's and the adjuster's license numbers, and the adjuster's signature.

Note: Authority cited: Sections 9882, 9887.1 and 9888.2, Business and Professions Code. Reference:

Sections 9887.1, 9888.2 and 9889.16, Business and Professions Code; and Section 40616, Vehicle Code.

§ 3320 Classes of Official Brake Adjusting Stations.

Classes of official brake adjusting stations are established as follows:

a) Class A official brake adjusting stations shall be equipped to test, inspect, adjust, and repair all brakes and brake systems on all vehicles.

B) Class B official brake adjusting stations shall be equipped to test, inspect, adjust, and repair all brakes and brake systems on all buses, trucks, truck tractors, trailers, and semitrailers.

C) Class C official brake adjusting stations shall be equipped to test, inspect, adjust, and repair all brakes and brake systems on all trucks or truck tractors having a manufacturer's gross vehicle weight rating of less than 10,000 pounds, all trailers and semitrailers that do not use compressed air or vacuum to actuate the brakes, and all passenger vehicles including motorcycles and motor-driven cycles.

Note: Authority cited: Sections 9882, 9887.1 and 9888.2, Business and Professions Code. Reference: Sections 9887.1, 9887.3 and 9888.2, Business and Professions Code.

§3356.1 Toxic Waste Disposal Costs.

An automotive repair dealer may charge a customer for costs associated with the handling, management and disposal of toxic wastes or hazardous substances under California or federal law which directly relate to the servicing or repair of the customer's vehicle. Such charge must be disclosed to the customer by being separately itemized on the estimate prepared pursuant to Section 9884.9(a) of the Business and Professions Code and on the invoice prepared pursuant to Section 9884.8 of the Business and Professions Code. In order to assess this charge, the automotive repair dealer must note on the estimate and invoice the station's Environmental Protection Agency identification number required by Section 262.12 of Title 40 of the Code of Federal Regulations.

Note: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 9882, 9884.8, and 9884.9(a), Business and Professions Code.

(a) Except as provided in subsection (b) of this section, any automotive repair dealer that advertises or performs, directly or through a sublet contractor, automotive air conditioning work and uses the words service, inspection, diagnosis, top off, performance check or any expression or term of like meaning in any form of advertising or on a written estimate or invoice shall include and perform all of the following procedures as part of that air conditioning work:

- (1) Exposed hoses, tubing and connections are examined for damage or leaks;
- (2) The compressor and clutch, when accessible, are examined for damage, missing bolts, missing hardware, broken housing and leaks;
- (3) The compressor is rotated to determine if it is seized or locked up;
- (4) Service ports are examined for missing caps, damaged threads and conformance with labeling;
- (5) The condenser coil is examined for damage, restrictions or leaks;
- (6) The expansion device, if accessible, is examined for physical damage or leaks;
- (7) The accumulator receiver dryer and in-line filter have been checked for damage, missing or loose hardware or leaks;
- (8) The drive belt system has been checked for damaged or missing pulleys or tensioners and for proper belt routing, tension, alignment, excessive wear or cracking;
- (9) The fan clutch has been examined for leakage, bearing wear and proper operation;
- (10) The cooling fan has been checked for bent or missing blades;
- (11) Accessible electrical connections have been examined for loose, burnt, broken or corroded parts;
- (12) The refrigerant in use has been identified and checked for contamination;
- (13) The system has been checked for leakage at a minimum of 50-PSI system pressure;
- (14) The compressor clutch, blower motor and air control doors have been checked for proper operation;
- (15) High and low side system operating pressures, as applicable, have been measured and recorded on the final invoice; and,
- (16) The center air distribution outlet temperature has been measured and recorded on the final invoice.

(b) Whenever the automotive air conditioning work being advertised or performed does not involve opening the refrigerant portion of the air conditioning system, refrigerant evacuation, or full or partial refrigerant recharge, the procedures specified in subsection (a) need be performed only to the extent required by accepted trade standards.

Note: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7(a)(7), 9884.8 and 9884.9, Business and Professions Code.

The following minimum requirements specifying accepted trade standards for good and workmanlike rebuilding of automatic transmissions are intended to define terms that have caused confusion to the public and unfair competition within the automotive repair industry. The term "automatic transmission" shall also apply to the automatic transmission portion of transaxles for the purposes of this regulation, unless both the automatic transmission portion and the differential portion of the transaxle share a common oil supply, in which case the term "automatic transmission" shall apply to both portions of the transaxle. These minimum requirements shall not be used to promote the sale of "rebuilt" automatic transmissions when a less extensive and/or less costly repair is desired by the customer. Any automotive repair dealer who represents to customers that the following sections require the rebuilding of automatic transmissions is subject to the sanctions prescribed by the Automotive Repair Act. All automotive repair dealers engaged in the repair, sale, or installation of automatic transmissions in vehicles covered under the Act shall be subject to the following minimum requirements:

a) Before an automatic transmission is removed from a motor vehicle for purposes of repair or rebuilding, it shall be inspected. Such inspection shall determine whether or not the replacement or adjustment of any external part or parts will correct the specific malfunction of the automatic transmission. In the case of an electronically controlled automatic transmission, this inspection shall include a diagnostic check, including the retrieval of any diagnostic trouble codes, of the electronic control module that controls the operation of the transmission. If minor service and/or replacement or adjustment of any external part or parts and/or of companion units can reasonably be expected to correct the specific malfunction of the automatic transmission, then prior to removal of the automatic transmission from the vehicle, the customer shall be informed of that fact as required by Section 3353 of these regulations. Before removing an automatic transmission from a motor vehicle, the dealer shall also comply with the provisions of section 3353(d), and disclose any applicable guarantee or warranty as provided in sections 3375, 3376 and 3377 of these regulations. If a diagnostic check of an electronic control module cannot be completed due to the condition of the transmission, the customer shall be informed of that fact and a notation shall be made on the estimate, in accordance with Section 3353 of these regulations.

b) When the word "exchanged" is used to describe an automatic transmission, it shall mean that the automatic transmission is not the customer's unit that was removed from the customer's vehicle. Whenever the word "exchanged" is used to describe an automatic transmission, it shall be accompanied by a word or descriptive term such as "new," "used," "rebuilt," "remanufactured," "reconditioned," or "overhauled," or by an expression of like meaning.

c) Any automotive repair dealer that advertises or performs, directly or through a sublet contractor, automatic transmission work and uses the words "exchanged," "rebuilt," "remanufactured," "reconditioned," or "overhauled," or any expression of like meaning, to describe an automatic transmission in any form of advertising or on a written estimate or invoice shall only do so when all of the following work has been done since the transmission was last used:

1) All internal and external parts, including case and housing, have been thoroughly cleaned and inspected.

2) The valve body has been disassembled and thoroughly cleaned and inspected unless otherwise specified by the manufacturer.

3) All bands have been replaced with new or relined bands

4) All the following parts have been replaced with new parts:

A) Lined friction plates

B) Internal and external seals including seals that are bonded to metal parts

C) All sealing rings

D) Gaskets

E) Organic media disposable type filters (if the transmission is so equipped)

5) All impaired, defective, or substantially worn parts not mentioned above have been restored to a sound condition or replaced with new, rebuilt, or unimpaired parts. All measuring and adjusting of such parts has been performed as necessary.

6) The transmission's electronic components, if so equipped, have been inspected and found to be functioning properly or have been replaced with new, rebuilt, or unimpaired components that function properly.

7) The torque converter has been inspected and serviced in accordance with subsection (d) of this regulation.

D) The torque converter is considered to be part of the automatic transmission and shall be examined, cleaned, and made serviceable before the rebuilt, remanufactured or overhauled transmission is installed. If the torque converter cannot be restored to a serviceable condition, then the customer shall be so informed. With the customer's authorization, the converter shall be replaced with a new, rebuilt, remanufactured, reconditioned, overhauled, or unimpaired used torque converter. A torque converter shall not be represented as rebuilt, remanufactured, reconditioned, or overhauled unless the torque converter shell has been opened, all components of the overrunning clutch assembly have been inspected and replaced as required, all friction materials have been replaced as required, all rotating parts have been examined and replaced as required, the shell has been resealed, and the unit has been pressure tested.

Note: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7(a), 9884.8, 9884.9(a) and 9884.19, Business and Professions Code.

§ 3368. Commissions, Consideration, Inducements, or Referral Fees; Towing Services.

a) An Automotive Repair Dealer shall not directly or indirectly pay or agree to pay any money or anything of value as a commission, referral fee, inducement, or in any manner a consideration, to a towing service for the delivery or the arranging of a delivery of a vehicle not owned by the repair shop or towing service, for the purpose of storage or repair.

b) An Automotive Repair Dealer shall not directly or indirectly accept or agree to accept any money or anything of value as a commission, referral fee, inducement or in any manner a consideration, from a towing service for arranging or requesting the services of a tow truck.

c) Any violation of this section shall be cause for administrative disciplinary action. The authority of the bureau to impose discipline pursuant to this section shall be in addition to, and not a limitation on, its authority to take disciplinary action or other legal action, pursuant to any other provision of law.

Note: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 490 and 9884.7, Business and Professions Code; and Section 12110, Vehicle Code.

§ 3352 Definitions

In this article, unless the context otherwise requires:

a) "Written estimate" means a document that contains a written estimated price for labor and parts for a specific job.

B) "Work order" means a document that contains the estimate and memorializes the customer's authorization for a specific job.

C) "Invoice" means a document given to the customer that meets the invoice requirements of Business and Professions Code Section 9884.8 and California Code of Regulations Section 3356.

Note: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 9884.8, 9884.9, 9889.50 and 9889.52, Business and Professions Code.

§ 3360.1 Ball Joints

This section and Sections 3360.2 and 3360.3 apply to the inspection, sale, and installation of ball joints, which for the purpose of this article are defined as ball-and-socket assemblies designed to carry the vertical and horizontal stresses in the front suspension system of a motor vehicle while permitting steering and suspension movement.

Note: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7 and 9884.19, Business and Professions Code.

§3360.2. General Requirements

All automotive repair dealers engaged in the sale and installation of ball joints shall be subject to the following requirements:

a) Measurement of Wear or Looseness. Except as set forth in (e) and (f) of this section, any determination that a ball joint is worn or loose shall be made with an instrument specifically designed and manufactured for measurement of ball joint wear or looseness.

B) Care and Use of Instrument. The instrument required by (a) of this section shall be used, calibrated, and maintained in accordance with the instructions issued by its manufacturer. The manufacturer shall be the original equipment manufacturer or a manufacturer who is generally known within the automotive repair industry as a supplier of such instruments.

C) Accuracy of Measurement. The measurement of wear or looseness of a ball joint shall be stated in thousandths of an inch (.001) or in millimeters, whichever is appropriate to the vehicle and to the specifications of the original equipment manufacturer or of the replacement parts manufacturer.

D) Invoice Requirements. If a ball joint is sold and installed, the degree of wear or looseness of the ball joint being replaced must be recorded on the customer's invoice in accordance with © of this section. The maximum allowable wear or looseness permitted by the original equipment manufacturer or by the replacement parts manufacturer must be stated.

E) Measurement of Wear-Indicating Ball Joints. If a ball joint is equipped with an integral means of measuring wear or looseness, such measurement shall be made and reported in accordance with the manufacturer's directions.

F) Adjustment of Mechanically Adjustable Ball Joints. A ball joint that has been manufactured with a means of manual adjustment to compensate for wear shall be adjusted in accordance with the instructions of the manufacturer.

Note: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7 and 9884.19, Business and Professions Code.

§ 3360.3. Recommendations Permitted

The foregoing requirements are not to be construed as prohibiting the sale and installation of ball joints when the sale and installation are made with the consent of the customer, provided that a full disclosure of the requirements of this article is made to the customer.

Note: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7 and 9884.19, Business and Professions Code

Additional Notices/Disclosures

Every repair shop must post a sign to inform customers of their rights. This sign must list the rights as follows:

- (1) a written estimate for repair work;
- (2) a detailed invoice of work done and parts supplied;
- (3) return or replaced parts, if requested at the time a work order is placed;
- (4) questions concerning the above should be directed to the manager of this repair facility;
- (5) unresolved questions regarding service work may be submitted to: Bureau of Automotive Repair Toll Free telephone: 800-952-5210.

The sign must meet the following requirements:

- 24-gauge steel or aluminum or synthetic material of equivalent rigidity may be used. Synthetic material may be acceptable provided it meets all of the requirements herein, including durability.
- The background must be semi-gloss white. All print, border stripe and divider stripes, including the State Seal shall be gloss black in color.
- Paint must be a premium grade exterior acrylic enamel or equivalent. The silk screen/bake-on process or an acceptable equivalent may be used.
- All bare metal shall be etched and coated with white primer or equivalent to insure proper paint adhesion and corrosion protection.
- Largest lettering must be 72 pt. Futura Demi "condensed;" medium lettering shall be 48 pt. Futura Bold; and smallest lettering shall be 36 pt. Futura Bold for the signs shown in Figures 1 and 3. The lettering of the supplementary sign shown in Figure 5 must be 48 pt. Futura Bold for the message and 72 pt. Futura Demi "condensed" for the Web site address.
- A three and one-half inch diameter State Seal is required for the signs shown in Figures 1 and 3.
- The use of embossed letters or a clear protective finish coat is permitted, but not required.
- There must be a one-quarter inch mounting hole in each corner.

A copy of the required sign can be found at:

http://www.bar.ca.gov/80_BARResources/07_AutoRepair/Auto_Repair_Guide.html

Additional Resources

Write it Right: A Guide for Automobile Repair Dealers, available at:

http://www.autorepair.ca.gov/80_BARResources/07_AutoRepair/writeAutoRepDlr.pdf

Bureau of Automotive Repair Guidelines For Disciplinary Penalties And Terms Of Probation, summary available at:

Part 1: http://www.bar.ca.gov/80_BARResources/09_Enforcement/Disciplinary_Penalties_pt_1.html and

Part 2: http://www.bar.ca.gov/80_BARResources/09_Enforcement/Disciplinary_Penalties_Pt_2.html

Required Sign: (See "Additional Notices/Disclosures Section")

Advertising

Disclosure of Business Name, Address, and Phone Number (16 CCR 3371): All advertisements and advertising signs must clearly show the dealer's firm name and address as they appear on the State registration certificate as an automotive repair dealer. Additionally, if a telephone number appears in an advertisement or on an advertising sign, the number must be the same number as that listed for the dealer in the telephone directory.

Price Advertising (16 CCR 3372.1): Automotive repair dealers may not advertise automotive service at a price which is misleading. According to the California rules, circumstances in which price advertising is misleading include, but are not limited to, the following:

- The automotive repair dealer does not intend to sell the advertised service at the advertised price but intends to entice the consumer into a more costly transaction;
- The advertisement for service has the capacity to mislead the public as to the extent that anticipated parts, labor or other services are included in the advertised price;
- The advertisement for service or repair has the capacity to mislead the public as to the need for additional related parts, labor or other services; or
- The automotive repair dealer knows or should know that the advertised service cannot usually be performed in a good and workmanlike manner without additional parts, services or labor; provided, however, that an advertisement, which clearly and conspicuously discloses that additional labor, parts or services are often needed will, to that extent, not be regarded as misleading. Any such disclosure statement shall indicate that many instances of performance of the service involve extra cost and if the automotive dealer reasonably expects that the extra cost will be more than 25% of the advertised costs, that the extra cost may be substantial. The type size of the disclosure statement shall be at least 1/2 the type size used in the advertised price and the statement shall either be shown near the price or shall be prominently footnoted through use of an asterisk or similar reference.

New, Rebuilt, Reconditioned, or Used Parts/Components (16 CCR 3374): Repair shops may not advertise, represent, or in any manner imply that a used, rebuilt or reconditioned part or component is new unless such part and all of the parts of any component are in fact new.

Guarantees and Warranties (16 CCR §§ 3375, 3377): California rules prohibit advertisements from containing any false or misleading representation concerning the nature, extent, duration, terms or cost of a guarantee of a motor vehicle part, component or repair service.

Any guarantee or any advertisement of a guarantee, which provides for adjustment on a pro-rata basis, is considered false and misleading unless the guarantee and/or the advertisement conspicuously and clearly discloses this fact and the basis on which the guarantee will be pro-rated. If adjustments are based on a price other than that paid by the customer, clear disclosure must be made of the amount. However, a fictitious price must not be used even where the sum is adequately disclosed.

Equipment Requirements

An auto body repair shop that performs automotive painting shall have all equipment and current reference manuals necessary to paint and repair non-structural damage, including but not limited to: (1) corrosion protection application equipment, and
(2) equipment capable of applying exterior corrosion resistant primers, anticorrosion compounds and topcoats.

An auto body repair shop that is performing structural repairs shall have all repair, measuring, and testing equipment and current reference manuals necessary to diagnose, section, replace or repair structural damage, including but not limited to:

- (1) A three dimensional measuring system that can locate points with the dimensions of length, width, and height, relative to three defined reference planes;
- (2) A four-point anchoring system capable of holding a vehicle in a stationary position during structural and body pulls which is suitable for the types of vehicles being repaired.
- (3) Equipment capable of making multiple body and structural pulls;
- (4) A Metal Inert Gas (MIG) welder with an output of at least 110 amps for unibody repairs and an output of 200 amps for conventional frame repairs or capable of meeting trade standards for the work being performed;
- (5) Corrosion protection equipment for treating enclosed areas on unibodies and frame assemblies including pressurized spray equipment, flexible and rigid wands capable of reaching full length inside enclosed areas, spray heads capable of 360 degree spray application and spray heads capable of a fan-shaped pattern.

Lamp and/or Brake Adjusters: The Consumer Affairs Department prescribes the equipment required by any station seeking to be licensed as an official lamp or brake adjusting station. (See Cal Bus & Prof Code §§ 9888.1-9888.4)

Estimates (Designation of Person to Authorize Additional Work or Parts)

A customer may designate another individual to authorize work not estimated or parts not included in the written estimate. If a customer so designates, the dealer must record the designation either on the estimate or a separate form. If a separate form is used for the designation, the form and content of the designation shall be as follows:

"DESIGNATION OF PERSON TO AUTHORIZE ADDITIONAL WORK OR PARTS

I hereby designate the individual named below to authorize any additional work not specified or parts not included in the original written estimated price for parts and labor:

Name of Designee:_____ Phone Number:_____

Fax Number:_____ E-Mail Address:_____

Name of Customer:_____ Work Order No.:_____

Date: _____ (Customer's Signature)_____ "

Copies of the signed designation form must be given to the customer and attached to the dealer's copy of the estimate.

Cal Bus & Prof Code § 9884.9; 16 CCR 3353

Estimates (General)

Before any work can begin, a written estimate must be given to the customer that meets the following requirements:

- Parts and labor shall be described separately;
- Each part must be individually identified;
- Each part must be identified as new, used, rebuilt, or reconditioned;
- The estimate must also identify replacement crash parts as original equipment manufacturer (OEM) crash parts or non-OEM aftermarket crash parts;
- Charges for allowable environment waste disposal (discussed below), which also requires listing the dealer's Environmental Protection Agency identification number; and
- A statement of any repair service that will be done by someone other than the dealer.

If a vehicle is delivered for repair after hours or it is towed to the dealer, the dealer must prepare an estimate, give the information to the customer either by phone, fax or e-mail and receive the customer's approval, which must be documented.

Cal Bus & Prof Code § 9884.9; 16 CCR 3353

Estimates (Teardowns)

If it is necessary to tear down a vehicle component in order to prepare a written estimated price for required repair, the dealer must:

- Give the customer a written estimated price for the teardown, which must include the cost of reassembly of the component.
- The estimated price must include the cost of parts and necessary labor to replace items such as gaskets, seals and O-rings that are normally destroyed by teardown of the component.
- If the act of teardown might prevent the restoration of the component to its former condition, the dealer must write that information on the work order containing the teardown estimate before the work order is signed by the customer.
- The repair dealer shall notify the customer orally and conspicuously in writing on the teardown estimate the maximum time it will take the dealer to reassemble the vehicle or component in the event the customer elects not to proceed with the repair of the vehicle and shall reassemble the vehicle within that time period if the customer elects not to proceed with the repair. The maximum time shall be counted from the date of authorization of teardown.
- After the teardown, the dealer must prepare a written estimated price for labor and parts for the required repair and obtain the customer's authorization for either repair or reassembly before any further work is done.

Cal Bus & Prof Code § 9884.9; 16 CCR 3353

Filter Recycling and Disposal

Used oil filters are required to be managed as hazardous waste in California unless the following conditions are met:

- (1) The used oil filters are drained of free-flowing oil;
- (2) The drained filters are properly containerized (rainproof, non-leaking containers with tightly-sealed lids, tightly secured to prevent spillage during transportation);
- (3) The containerized filters are properly labeled ("Drained Used Oil Filters" and the initial date of accumulation or receipt is marked on each container);
- (4) The Labeled containers of drained filters are transported (under a bill of lading containing specified information) to an allowed destination for metals reclamation, such as a smelter or scrap metal processor.
- (5) Generator storage time limits are met: less than 1 ton - 1 year; 1 ton or more - 180 days;
- (6) A copy of each bill of lading is maintained by the generator, transporter and receiving facility for three years; and
- (7) Any drained used oil is managed as hazardous waste according to Article 13, Ch. 6.5 Health and Safety Code, commencing with Section 25250.1.

22 CCR 6266.130

Fluid Disposal

Automobile repair shops may only charge a customer for costs associated with the handling, management and disposal of hazardous substances if they are directly related to the servicing or repair of the customer's vehicle. The charge must be disclosed to the customer by being separately itemized on the estimate and invoice. Additionally, in order to assess the charge, the auto repair shop must include its Environmental Protection Agency identification number on the estimate and invoice.

16 CCR 3356.1

Invoices

All invoices must contain dealer's registration number, business name and address. A telephone number is optional. The invoice must also contain the following information:

All service and repair work performed, including all diagnostic and warranty work, and the price for each described service and repair.

- Each part supplied and its price. The description of each part shall state whether the part was new, used, reconditioned, rebuilt, or an OEM crash part, or a non-OEM aftermarket crash part.
- The subtotal price for all service and repair work performed.
- The subtotal price for all parts supplied, not including sales tax.
- The applicable sales tax, if any.

A dealer may not bill in an invoice for items generically noted as shop supplies, miscellaneous parts, or the like.

An automotive repair dealer may charge a customer for costs associated with the handling, management and disposal of toxic wastes or hazardous substances under California or federal law, which directly relate to the servicing or repair of the customer's vehicle. Such charge must be disclosed to the customer by being separately itemized on the estimate. In order to assess this charge, the dealer must note on the estimate and invoice the station's Environmental Protection Agency identification number.

Upon the request of a customer, the dealer must disclose the location at which any repair work will be done other than repair work to be done at the dealer's location and by the dealer or his/her employees. The customer must be given a legible copy of the invoice. The dealer is required to keep a copy of the invoice for at least three (3) years.

Cal Bus & Prof Code § 9884.8; 16 CCR 3356

Licensing and Registration

All auto repair shops in California must be registered with the Department of Consumer Affairs' Bureau of Automotive Repair. Applications must be made on forms prescribed by the state. Businesses maintaining more than one repair facility may file a single application annually. (See Cal Bus & Prof Code §§ 9884 thru 9884.7 for more details)

The California Business and Professions Code § 9889.50-9889.53 also prescribes licensing requirements for auto body repair shops.

Mechanic Certification

The Consumer Affairs Department licenses lamp and brake adjusters.

Cal Bus & Prof Code §§ 9887.1-9887.4

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

If the customer requests that parts be returned at the time the work order is placed, the dealer must return the parts except if the following applies:

- Those parts and components that are replaced and that are sold on an exchange basis; provided the customer is informed that said parts are not returnable orally and by written record on the work order and invoice.
- Size, weight or similar facts make it impractical to return the part.
- The parts are required to be returned to the manufacturer or distributor under a warranty agreement.

Cal Bus & Prof Code § 9884.10; 16 CCR 3355

Record Retention

Repair dealers must maintain records that are required by the California Business & Professions Code for at least three years. See Estimate and Invoice requirements (above).

Cal Bus & Prof Code § 9884.11

Revised Estimates

If a repair requires additional work not included in the written estimate and the cost increases, the dealer must obtain the customer's authorization before the additional work is done or parts not estimated are supplied. This authorization must be in written, oral, or electronic form, and describe the additional repairs, parts, labor and the total additional cost. The invoice must contain a statement that additional repairs were authorized and by what means (orally, e-mail, fax). If the customer has authorized repairs according to a work order on which parts and labor are itemized, the dealer cannot change the method of repair or parts supplied without the written, oral, or electronic authorization of the customer.

The following record keeping requirements apply to additional work estimates:

- If obtained orally, the dealer must also make a notation on the work order and on the invoice of the date, time, name of the person authorizing the additional repairs, and the telephone number called, if any, together with the specification of the additional repairs, parts, labor and the total additional cost. When the work is completed, the dealer must either:

- (1) make a notation on the invoice with this same information, or
- (2) have the customer sign a statement that says "I acknowledge notice and oral approval of an increase in the original estimated price" along with the customer's signature or initials.

- If obtained by fax, the dealer must also attach to the work order and the invoice, a faxed document that is signed and dated by the customer and shows the date and time of transmission and describes the additional repairs, parts, labor and the total additional cost.

- If obtained by e-mail, the dealer must print and attach to the work order and invoice, the e-mail authorization, which shows the date and time of transmission and describes the additional repairs, parts, labor and the total additional cost.

Cal Bus & Prof Code § 9884.9; 16 CCR 3353

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, California's rules prohibit invoices from containing a separate item generically noted as shop supplies, miscellaneous parts, or the like. As such, items that are normally included in "shop fees" must be broken down and listed separately on all invoices.

Additionally, all businesses must comply with California's Unfair Competition Law. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

16 CCR 3356©

State Battery Recycling and Fees

Dealers selling new lead acid batteries must accept, at the point of transfer, used lead acid batteries from its customers. California does not have a state battery fee.

Cal Health & Saf Code §§ 25215.2, 25215.3

Tire Recycling and Disposal (Including Fees)

California has enacted two separate statutory schemes pertaining to tire disposal fees. Under the first scheme, which is operative until January 1, 2024, retailer sellers of new tires must collect a \$1.75 fee per tire sold. Retailers may retain 1 ½ percent of the fees collected as reimbursement for costs associated with the fee collection and must remit the remainder of fees to the State for deposit in the California Tire Recycling Management Fund on a quarterly basis.

The California tire fee must be separately stated by the retailer on the invoice given to the customer at the time of sale. Therefore, the state tire fee may not be included in calculating shop fees. Retailers may charge additional disposal or transaction fees, but these must be identified separately from the state tire fee. There is no express prohibition from including such additional fees in calculating shop fees.

The second statutory scheme, effective on and after January 1, 2024, is the same as the first with two exceptions. First, the tire fee is reduced to \$.75 per tire. Second, the retailer may retain 3% of the fee before remitting the remainder to the State.

The tire fee does not apply to retreaded, reused, or recycled tires.

Cal Pub Resources Code § 42885

Under Inflated Vehicle Tires

Section 95550 of article 1, chapter 1, subchapter 10, division 3, title 17, California Code of Regulations, to read as follows:

Section 95550 Purpose and Definitions

(a) Purpose. The purpose of this regulation is to reduce greenhouse gas emissions from vehicles operating with under inflated tires.

(b) Applicability.

(1) This regulation applies to all automotive service providers performing or offering to perform automotive maintenance or repair services in California.

(2) This regulation does not apply to:

- (A) auto body and paint facilities;
- (B) auto glass installers;
- (C) auto parts distributors or retailers;
- (D) auto wreckers or dismantlers;
- (E) vehicles with a GVWR over 10,000 lbs.;
- (F) tires determined to be unsafe by an automotive service provider;

(c) Definitions.

(1)"ANSI B40.1 Grade B Tire Pressure Gauge" means a dial-type tire gauge that meets or exceeds the American National Standards Institute mechanical accuracy rating.

(2) "ARB" means the California Air Resources Board.

(3)"Auto Body and Paint Facility" means a business that repairs, reconstructs, or paints motor vehicles and does not perform or offer to perform automotive maintenance or repair services.

(4)"Auto Glass Installer" is a business that repairs or replaces damaged automotive windshields and windows and does not perform or offer to perform automotive maintenance or repair services.

(5)"Auto Parts Distributer" is a business that sells replacement parts or performance accessories for cars, trucks, vans and sport utility vehicles and does not perform or offer to perform automotive maintenance or repair services.

(6)"Auto Wrecker or Dismantled means an automotive dismantler, as defined in title 13, California Code of Regulations section 220 of the vehicle code and does not perform or offer to perform automotive maintenance or repair services.

(7)"Automotive Maintenance or Repair Services" includes, but is not limited to, the performance of any automotive diagnostics of or repairs made to a motor vehicle.

(8) "Automotive Service Provider (ASP)" is any business or person who performs or offers to perform automotive maintenance or repair services (including, but not limited to, automotive dealerships, maintenance garages, oil change facilities, tire centers, and smog check or test only facilities).

(9) "Gross Vehicle Weight Rating (GVWR)" is defined in Vehicle Code Section 350.

(10) "Tire Inflation Guidebook or Yearbook" is a book that contains tire inflation specifications for original equipment tires and wheels and non-original equipment sized tires and wheels. Tire inflation Guidebooks and Yearbooks can be purchased online, from local tire dealers, or from most tire manufacturers.

(11)"Under Inflated Tire" means a tire that is one pound per square inch (psi) or more below the manufacturer's recommended pressure.

(12)"Unsafe Tires" means any tire deemed unsafe by the Automotive Service Provider due to tire wear, age, tread irregularity, or damage. Examples include any tire with exposed ply or cord, sidewall crack, bulge, knot, or ply separation.

(13)"Vehicle Service Invoice" is a document given to the customer that meets the invoice requirements of Business and Professions Code section 9884.8 of the California Code of Regulations section 3356.

(d) Requirements and Compliance Deadlines. Automotive service providers must meet the following requirements:

(1) By July 1, 2010, all automotive service providers are required to:

(A) Check and inflate each vehicle's tires to the manufacturer's recommended pressure at the time of performing any automotive maintenance or repair service; and

(B) indicate on the vehicle service invoice that a tire inflation service was completed and the tire pressures after the service was performed. If a tire inflation service was not performed (i.e. tire(s) were deemed unsafe the automotive service provider must indicate on the vehicle service invoice why the service was not completed; and

(C) use and maintain a ANSI B40.1 Grade B tire gauge for checking tire pressure; and

(D) maintain, on the premises, a tire inflation guidebook or yearbook that is current within three years; and

(E) keep the vehicle service invoice onsite in accordance with the Business and Professions Code Section 9884.11 of the California Code of Regulations section 3356; and

(F) provide documentation of the vehicle service invoice to authorized enforcement personnel upon demand.

Any tires inflated with pure nitrogen gas are also subject to the requirements in section (d)(1)(A-F), but may refuse the inflation portion of the service if a nitrogen inflation system is not available at the time of the service.

(e) Penalties. Any automotive service provider or owner or operator who fails to comply with the requirements of this regulation may be subject to penalties pursuant to Section 38580 of the Health and Safety Code.

(f) Enforcement. Enforcement of this section may be carried out by ARB personnel, and any authorized representatives of ARB.

(g) Relationship To Other Law. Nothing in this section allows automotive service providers to operate in violation of other applicable laws, including but not limited to:

(1)California Vehicle Code

(2)any applicable ordinance, rule or requirement as stringent as, or more stringent than the requirements in section (d) of this regulation.

(h) Severability. If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion will be deemed as a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions of the regulation.

Note: Authority cited: Sections 38510,38560,39600, and 39601, Health and Safety Code. Reference: Sections 38510, 38560, 39600, Health and Safety Code.

Warranties

All guarantees must be in writing and given to the consumer with the invoice. The guarantee must disclose:

- The nature and extent of the guarantee including a description of parts, characteristics or properties covered by or excluded from the guarantee.
- The duration of the guarantee.
- Any obligations on the customer before he or she can exercise the guarantee.
- The manner in which the guarantor will perform i.e. whether the guarantee is for repair, replacement or refund and whether this is at the consumer choice.
- The guarantor's identity and address.

16 CCR 3376

Colorado

Additional Notices/Disclosures

A repair shop may only charge storage fees starting on the fourth business day (excluding Saturdays and Sundays) after which the customer was notified the repairs were done, and only if the customer was provided with notification of such charges. Notification must be provided to the customer pursuant to a written document, separate from any other repair document, and contain the following language in bold type:

Storage Fee Policy

A storage fee may not be charged unless a written agreement, separate from any other repair document, for an amount is reached. A storage fee may be charged, beginning on the fourth day, if a motor vehicle is not removed within three days after the customer is notified that repairs have been completed, excluding Saturdays, Sundays, legal holidays, and any days the repair facility is closed for business.

C.R.S. § 42-9-106

Additional Resources

Management Standards for Used Oil Generators: <http://www.cdphe.state.co.us/hm/oilgen.pdf>

Advertising

If a guarantee or warranty is advertised, the advertisement must clearly and conspicuously disclose the nature and extent of the guarantee, any material conditions or limitations in the guarantee, the manner in which the guarantor will perform, and the identity of the guarantor. Any representation that goods or services are "guaranteed for life" or have a "lifetime guarantee" must contain a conspicuous disclosure of the meaning of "life" or "lifetime."

C.R.S. § 6-1-105

Estimates (General)

For repairs greater than \$100, no repair work may be performed unless the facility obtains the written or oral consent of the customer or one of the following applies:

- The motor vehicle has been towed to the repair facility or the customer left the vehicle with the repair facility outside of normal business hours (limited to maximum of \$100 for all labor and parts); or
- The customer waives his right to an estimate by signing his name and the date below the following statement made in bold type: "I DO NOT WISH TO RECEIVE ANY ESTIMATE EITHER WRITTEN OR ORAL, TO WHICH I AM ENTITLED BY LAW, BEFORE REPAIRS ARE AUTHORIZED."

To obtain oral consent, the repair facility must communicate the written estimate of the total cost of the repairs and the customer must consent to the required repairs. A record of the consent must be made on the work order and should include:

- The date, time and manner of consent;
- The telephone number called; and
- The names of the persons giving and receiving consent.

Additionally, a copy of the completed written estimate, including the total cost and expected completion date, must be provided to the customer.

C.R.S. §§ 42-9-104 through 42-9-107

Estimates (Parts Used and Teardowns)

The original estimate must also specify whether any parts to be installed are new original equipment manufacturer, new non-original equipment manufacturer, used, reconditioned, or rebuilt. The repair facility must obtain the written or oral consent to use such parts before they are installed in the motor vehicle. Oral consent shall be acquired and documented in the same manner as above.

C.R.S. § 42-9-107

If it is necessary to disassemble or partially disassemble a motor vehicle or motor vehicle part in order to provide the customer with a repair estimate, the customer must be provided a teardown estimate and given written or oral consent to the teardown. This estimate should include the cost of reassembly in the event that the customer elects not to proceed with the repairs, as well as the total cost of labor and parts to replace the parts that are normally destroyed by such disassembly.

C.R.S. § 42-9-104

Filter Recycling and Disposal

Colorado generally follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is a :

- 1) punctured through its dome end or its anti-drain back valve and hot-drained; or
- 2) hot-drained and crushed; or
- 3) dismantled and hot-drained; or
- 4) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. If these conditions are not met, the filters must be tested or assumed to be hazardous waste and managed accordingly. Terne plated oil filters and fuel filters should be tested or assumed to be hazardous waste and managed accordingly.

40 CFR 261.4(b)(13); see also Management Standards for Used Oil Generators ([link below](#))

Invoices

All repairs done must be recorded on a customer's invoice. A legible copy of the invoice must be provided to the customer and the repair shop must retain the invoice for at least three years. The invoice must contain the following information:

- The name and address of the customer;
- The year, make, odometer reading on the date the motor vehicle was brought in for repairs, and license number of the motor vehicle;
- The date the motor vehicle was received for repairs;
- An itemization of each part added to or replaced in the motor vehicle; a description of each part by name and identifying number; clear identification of which parts are used, reconditioned, or rebuilt; and the charges levied for each part added or replaced;
- The amount charged for labor, the full name or employee number of each mechanic or repairer who in whole or in part performed repairs, and the identification of the specific stage of repair for which each mechanic or repairer named was partially or wholly responsible;
- An itemized statement of all additional charges, including storage, service and handling, and taxes;
- An identification of any repairs subcontracted to another repair facility;
- The legible initials of the person filling out any portion of the invoice; and
- A copy of any warranty issued by the motor vehicle repair facility setting forth the terms and conditions of such warranty.

C.R.S. § 42-9-108

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

The work order provided to the customer shall state conspicuously that, with the exception of body shop repair parts, inflatable restraint system components and warranty parts that must be returned to the manufacturer, the customer is entitled to the return of the replaced parts if the customer request is at the time he consents to the repairs. The work order shall also indicate that the customer is entitled to inspect the replaced warranty parts which are not returned.

C.R.S. §§ 42-9-104; 42-9-109

Record Retention

Any record required to be created or kept by any state or local law or regulation may be destroyed after three years from the date of creation, unless such law or regulation establishes a specified records retention period or a specific procedure to be followed prior to destruction.

C.R.S. § 6-17-104

Revised Estimates

Except when an estimate has been waived, no charge shall be made for labor or parts in excess of the estimate plus ten percent thereof or \$25, whichever is less, without the consent of the customer. Consent may be written or oral and a record of the consent (including the information detailed above) must be made on the work order. The customer must also be notified of any changes in the expected completion date of the repairs. This notification may be in writing on the work order or orally, in which case the communication should be noted on the work order and contain the same info as above.

C.R.S. § 42-9-105

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. Colorado's Motor Vehicle Repair Act expressly permits miscellaneous designations such as "shop supplies" or "shop materials." These charges must be disclosed on the invoice.

Additionally, all businesses must comply with Colorado's Consumer Protection Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

C.R.S. § 42-9-108(4)

State Battery Recycling and Fees

Retailers may collect a deposit of "at least ten dollars" on the sale of an "automotive-type replacement lead acid battery" that is not accompanied by the return of a used lead acid battery of the same general type. Based on this language, it appears that retailers can charge an amount above the state minimum deposit of \$10. The deposit shall be returned to the customer if he returns a used automotive lead acid battery to the retailer within thirty days of the date of sale. Otherwise, the retailer may keep the deposit.

C.R.S. § 30-20-1003

Tire Recycling and Disposal (Including Fees)

Waste tires must be used beneficially, recycled, or reused; except that, if authorized by Sections 30-20-1414(1)(b), they may be disposed of at a permitted solid waste facility.

Retailers and wholesalers of tires and tire recycling/collection facilities must arrange for the commercial hauling of waste tires only with a hauler who is currently registered pursuant to C.R.S. §30-20-1414. Additionally, retailers selling replacement tires in the Colorado may not refuse to accept from customers, at the point of transfer, waste tires of the same general type and in a quantity at least equal to the number of new tires purchased.

Retailers must collect a fee to be determined by the Hazardous Waste Commission of up to \$1.50 per tire at the time the tire is sold (\$0.55 starting January 1, 2018). However, no fee shall be collected for tires that are recapped or otherwise reprocessed for use. The receipt from the retailer to the customer for every new motor vehicle tire sold in Colorado shall contain the following statement in no less than fifteen-point, bold-faced type: "SECTION 30-20-1403, COLORADO REVISED STATUTES, REQUIRES RETAILERS TO COLLECT A WASTE TIRE FEE SET BY THE SOLID AND HAZARDOUS WASTE COMMISSION ON THE SALE OF EACH NEW MOTOR VEHICLE TIRE AND EACH NEW TRAILER TIRE." Retailers are to submit any fees collected by the 20th of each month, along with any reports required by Colorado law.

The fee charged to customers must be listed separately on invoices. Therefore, it cannot be included in calculating shop fees. Colorado law does not expressly prohibit charging an additional tire disposal fee or including such a fee in calculating shop fees.

C.R.S. §§ 30-20-1006, 30-20-1007, 30-20-1401 et seq

Warranties

If a vehicle repair facility provides a warranty, the warranty must appear with the invoice and should set forth all the terms and conditions of the warranty (see Invoice section above). When a vehicle is returned to a repair facility and is under warranty by that facility, the facility must give the customer a written notice informing that the work is under warranty and providing an estimated completion date for the repair.

C.R.S. §§ 42-9-108.5 and 42-9-108.7

Connecticut

Additional Notices/Disclosures

Connecticut law requires two signs to be posted in each area where work orders are placed by customers. The first is a "Consumer Rights Sign" which must be at least 24 inches by 36 inches and conform to certain specifications. The second is a "Charges and Conditions Sign" which must be at least 17 inches by 24 inches and also conform to certain specifications.

Regs., Conn. State Agencies §§ 14-65j-2 and 14-65j-3.

Digital copies of these signs, including the required specifications, can be found at:
<http://www.ct.gov/dmv/lib/dmv/regulations/065j.pdf>

Additional Resources

Copy of Required Signs: See link in "Additional Notices/Disclosures" section (above).

Compliance Guide to Recycling for Auto Industry:
http://www.ct.gov/dep/lib/dep/compliance_assistance/manuals_guidelines/autorecyclingguide.pdf

Advertising

Connecticut does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

Prior to performing any repair work (totaling \$50 or more), repair shops must obtain a written authorization to perform the work on an invoice signed by the customer. The estimate must include the maximum cost to the customer of the parts and labor necessary and the costs may not exceed this estimate without written or oral consent given by the customer. Oral authorization, recorded on the invoice, is sufficient in the following situations:

- The repair shop is unable to estimate the cost of repair because the specific repairs to be performed are not known at the time the vehicle is delivered;
- The vehicle is delivered to the repair shop at a time when the shop is not open for business; or
- Additional repairs are needed or the cost of the authorized repairs will exceed the estimate.

Prior to performing any repairs on a customer's vehicle, a repair shop shall record on the invoice in writing the following information:

- The name and address of the customer and the telephone number at which the customer may be reached during normal working hours;
- The date and approximate time the customer's vehicle was delivered to the repair shop;
- The year, make and registration number of the customer's vehicle;
- The odometer reading on the customer's vehicle; and
- The specific repairs requested by the customer. (If the customer has not requested specific repairs, the shop shall record a brief description of the nature of the problem that requires repair).

Conn. Gen. Stat. §§ 14-65f & 14-65g

Filter Recycling and Disposal

Connecticut recommends used oil filters be managed in the following way:

- 1) Oil must be removed from the filter by puncturing and gravity draining for at least 12 hours or by crushing the filter. A combination of crushing and draining is preferred.
- 2) The drained oil must be collected and recycled.
- 3) The oil filter can be disposed of in a permitted solid waste landfill. Generators and/or collectors of used oil filters must obtain a permit or management of used oil document from Waste Engineering / Enforcement Division.

Invoices

All invoices must contain the following information:

- The name and address of the repair shop;
- Description of all service work done and parts supplied;
- The cost of such service work and parts supplied, separately itemized;
- If any used parts are supplied, the invoice shall clearly state that fact;
- If any component system installed is composed of new and used parts, such invoice shall clearly state that fact.
- If any warranty is made by a repair shop with respect to any repair work performed, it must be stated in writing. If such written warranty does not include the cost of both parts and labor, it shall specifically state which is excluded from the scope of such warranty.

The customer must be given a copy of the invoice and the shop must retain a copy.

Conn. Gen. Stat. § 14-65h

Licensing and Registration

Repair facilities must apply for a repairer's or a limited repairer's license. Surety bonds, which need to be renewed biennially, are required for licensure. Each applicant for a repairer's or a limited repairer's license shall furnish a surety bond in the amount of \$5,000.

Conn. Gen. Stat § 14-52

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

If requested by the customer at the time written or oral authorization is provided for work to be performed, all replaced parts, components or equipment shall be returned to the customer.

If the repair shop is required to return such parts, components or equipment to the manufacturer or other person under any warranty or rebuilding arrangement, the repair shop shall make them available to the customer for inspection only.

Conn. Gen. Stat. § 14-65h

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Connecticut's Motor Vehicle Repair Law and Unfair Trade Practices Act, which generally prohibit unconscionable or deceptive practices in a transaction with a customer or potential customer. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of new batteries must charge a \$5 deposit fee per battery. The customer is entitled to have this fee reimbursed if, within 30 days of the purchase, he returns a used battery and displays a receipt for the new battery just purchased. Retailers may keep any lead acid battery fees that are not properly claimed within thirty days of the purchase.

Retailers must also post a notice (at least 8 ½ inches by 11 ½ inches) at their place of business that advises customers that:

- It is illegal to discard a battery;
- That such batteries must be recycled; and
- That the retailer is required to accept a used battery for recycling in exchange for the purchase of a new battery.

Conn. Gen. Stat. § 22a-256h

Tire Recycling and Disposal (Including Fees)

Connecticut no longer permits the landfilling of waste tires, either whole or in pieces. Most of Connecticut's waste tires are burned to create energy at the tire-to-energy plant in Sterling. Connecticut also has three volume reduction facilities which process tires. They include:

Lakin Tire East, Inc. in West Haven, (203) 932-5801; Meridian, Inc. in Plainfield, (860) 289-9004; and Don Stevens Tire Co. in Southington, (860) 621-3256.

The DEP Solid Waste Management Regulations, under Section 22a-209-8(g) of the Regulations of CT State Agencies (RCSA) specify the handling requirements for the storage, disposal or processing (sort, shred, grind, etc.) of waste tires. Tire-to-energy plants are considered resource recovery facilities. Their design, permitting and operation, including storage of tires, must conform to the requirements of Section 22a-209-10 RCSA. DEP also requires that facilities that process or burn tires are required to report quarterly on the origin of the waste received, amounts received, and amounts recycled and disposed, and the destination of all materials leaving their facility. DEP does not track the transport of tires. There is no prohibition against the shipment of tires across state lines.

(See <http://www.ct.gov/Dep/cwp/view.asp?A=2714&Q=324902>)

Waiver of Estimate

A customer may waive his right to receive an estimate if made in writing and given a completed copy of the waiver. The waiver must be in the following form:

"WAIVER OF ADVANCE ESTIMATE

I voluntarily request that repairs be performed on my vehicle without an advance estimate of their cost. By signing this form, I authorize reasonable and necessary costs to remedy the problems complained of up to a maximum of \$ _____. The repair shop may not exceed this amount without my written or oral consent."

Additionally, the waiver of advance estimate must:

- Identify the vehicle by model year, make or model, and identification number;
- State the time and date; and
- Be signed by the customer.

The waiver of advance estimate may be a separate document or incorporated in a work authorization form. If on a separate document the following requirements apply:

- Not less than 4 1/4 inches by 5 inches;
- The heading shall be bold face type in capital letters not smaller than 18 point in size; and
- The body copy shall be regular or medium face type style not smaller than 12 point in size.

If incorporated in a work authorization, the following requirements apply:

- The form shall be contained in a separate block not less than 1 1/2 inches by 3 inches;
- The heading shall be bold face type in capital letters not smaller than 8 point in size; and
- The body copy shall be regular or medium face type style not smaller than 8 point in size.

Conn. Gen. Stat. § 14-65g; Regs., Conn. State Agencies § 14-65d-5

Delaware

Additional Notices/Disclosures

All Delaware repair shops have two options with regard to notice or disclosure requirements. The shop must either post a sign in a conspicuous location, or present the customer with a separate document with specific language. (6 Del. C. § 4908A)

If the shop chooses to post a sign, the sign must state all the following:

- The customer is entitled to receive a written or oral estimate;
- No auto repair work charge may exceed the estimate without the customer's consent;
- The facility shall offer to return to the consumer all replaced parts except those under warranty or trade-in parts returned to a manufacturer or distributor;
- Complaints can be made to the Consumer Protection and Fraud Division of the Delaware Department of Justice.

If the shop does not post a sign then it must, prior to performing any repair work, disclose to the customer on a separate document or the written estimate itself the customer's right to an estimate. The language must be in bold typeset and be at least as large as the size of the print in the main body of the document. The document must read word-for-word as follows:

PLEASE READ CAREFULLY

CHECK ONE OF THE STATEMENTS BELOW AND SIGN

I UNDERSTAND, UNDER STATE LAW, I AM ENTITLED TO A WRITTEN ESTIMATE.

_____ I REQUEST A WRITTEN ESTIMATE

_____ I REQUEST AN ORAL ESTIMATE

_____ I DO NOT REQUEST A WRITTEN ESTIMATE AS LONG AS THE REPAIR COSTS DO NOT EXCEED \$_____. THE SHOP MAY NOT EXCEED THIS AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL.

_____ I WAIVE MY RIGHT TO AN ESTIMATE.

SIGNED _____ DATE _____."

Advertising

Delaware does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

Before any automotive repair work can begin, the customer must be given a written estimate, which must contain the estimated:

- Completion date;
- Price for the auto repair work, including parts and labor; and
- Surcharge (add-on charge), if any.

The only exception to the written estimate requirement is if the customer specifically waives his or her right to a written estimate. If the customer waives the written estimate requirement, then the shop must give the customer an oral estimate that contains the same information as the written estimate (completion date, estimated price of parts and labor and any surcharges). If the customer waives the written estimate requirement, the shop employee must sign or initial a written estimate document and keep the document with the shop's records for two years.

A shop may not exceed the amount of the estimate by more than 20% or \$50, whichever is less. If total costs are going to exceed this amount, then the shop must disclose the new costs to the customer and obtain the customer's approval for the additional charges before any work can begin.

6 Del. C. § 4904A

Filter Recycling and Disposal

Delaware follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

Invoices

All invoices must contain the following information:

- A description of all auto repair work performed, including all warranty work;
- A list of all parts supplied by the shop;
- A list of all labor performed. If a labor charge is not based on actual hours worked, then the invoice must specify that the charge is a flat rate. The only exception to the requirement that labor costs be listed separately is if the labor is included as part of a package price, such as for an oil change, then the shop is not required to separately list labor charges; and
- The shop must clearly disclose if any used, rebuilt or reconditioned parts or components were used as replacement parts;
- If any work is performed on the vehicle by someone other than a shop employee, then the shop must document and retain the name, address and telephone number of the person performing the work and disclose the information to the customer if they request it.

The customer must be given a copy of the invoice and the shop must maintain a copy for two years.

6 Del. C. §§ 4905A, 4907A

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

Delaware requires that the shop return all replaced parts to the customer unless one of the following applies:

- The part must be returned to the manufacturer or distributor;
- The part is hazardous material;
- The shop is required to properly dispose of or recycle the part.

6 Del. C. § 4906A

Record Retention

The repair facility shall retain copies of invoices for no less than 2 years.

6 Del. C. § 4905A

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Delaware's Automotive Repair Fraud Prevention statute. Pursuant to the statute, any surcharges, including shop fees, must be provided on the written estimate. Additionally, businesses must comply with Delaware's Consumer Fraud and Deceptive Trade Practices Acts, which generally prohibit unconscionable or deceptive practices in a transaction with a customer or potential customer. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

6 Del. C. § 4904A(a)(3)

State Battery Recycling and Fees

No Statutes/Regulations available at this time

Tire Recycling and Disposal (Including Fees)

No Scrap tire legislation at the present time. However, tires are being managed as special solid waste under existing solid waste regulations. The States three sanitary landfills are permitted to accept tires for landfilling provided that the tires are shredded or split. Whole tires of ten per truckload are prohibited from being landfilled.

Landfill Tipping fee of \$95 per ton for whole tires; \$58.50 per ton for shredded or sliced tires.

Delaware requires retailers of tires to pay a \$2 fee to the Department of Finance for each tire sold. The fees are to be remitted on or before the 20th day of the following month. Retailers may charge customers for this fee if it is listed as a separate line item on the invoice. Thus, the state tire fee cannot be included in calculating shop fees. However, Delaware law does not expressly prohibit charging customers an additional tire disposal or including such fees in calculating shop fees.

30 Del. C. § 2910

District of Columbia

Additional Notices/Disclosures

Repair shops must display a sign, designed and approved by the State, summarizing the major requirements which govern the consumer goods repair industry in D.C. The sign must be conspicuously posted in the business transaction areas of all repair service facilities.

A shop is required to report to local law enforcement within 24 hours if a vehicle is brought in for repair that appears to have been in an accident or struck by a bullet. If this report is not made the shop can be fined from between \$25.00 and \$100.00.

CDCR § 16-630

Advertising

Advertisements by consumer repair dealers (including automobile repair shops) must include the following information:

- The name of the business enterprise, as shown on their license; and
- The business telephone number as listed in the local telephone directory.

The use of words such as “guarantee,” “guaranteed,” “no-fix-no-pay,” or words of like import are prohibited unless the terms or qualifications are clearly and competently stated, including the disclosure of the following:

- The nature and extent of the guarantee as to time, parts, and labor; and
- The identity of the guarantor, clearly identifying whether the consumer goods repair dealer, the manufacturer, the retailer, or any combination of them is the guarantor.

CDCR § 16-651

Estimates

Prior to initiating any repair work, the dealer must provide to the customer a written estimate and receive written authorization from the customer to make repairs, unless the customer chooses to waive the right to a written estimate prior to authorizing repairs. The written estimate must also be signed by the dealer or dealer supervisor and contain the following information:

- The name, address, and telephone number of the repair dealer (as shown on the dealer's license) for the specific place of business
- The name and address of the customer
- Identification and description of the item to be repaired
- The date the item was received for repair (odometer reading for motor vehicles on this date), the date the estimate was issued, and the promised completion date of the repair
- A notation of all malfunctions, as described by the customer
- A notation by the dealer or supervisory inspector of all repairs required to correct the malfunctions described by the customer
- A general description of all repairs authorized by the customer
- A general description of the labor required for the completion of the authorized repairs, and the cost of that labor
- A general description of the parts to be replaced or added to complete the authorized repairs, and the total cost of the parts
- A statement of all additional charges, itemized as follows:
 - CHARGE FOR SUPPLYING THE ESTIMATE (in bold type)
 - Service call charges
 - Service and handling charges
 - Tax, and
 - Other charges

Filter Recycling and Disposal

DC follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

Invoices

A dealer must present a consumer with an invoice when the repairs are completed and prior to accepting payment. The invoice must be signed by the dealer or the dealer supervisor. If the final bill is on reverse side of the written estimate form, or otherwise a part of the written estimate form, the dealer need not repeat the following items on the invoice:

- The name, address and telephone number of the repair dealer (as stated on the dealer's license)
- The name and address of the customer
- Identification and description of the item repaired
- The statement: "Bond Filed with the Department of Consumer and Regulatory Affairs";
- This statement is bold type, on either side of the final bill form: **SAVE THIS DOCUMENT. TO MAKE INQUIRIES, CONTACT THE D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS BETWEEN 8:30 AM and 4:30 PM AT 941 NORTH CAPITOL STREET, NE WASHINGTON DC 20002 (202) 442-4615.**

The invoice must contain the following (unless the invoice is on the same form as the estimate then the immediately preceding bulleted items can be omitted):

- The name, address and telephone number of the repair dealer (as stated on the dealer's license)
- The name and address of the customer
- Identification and description of the item repaired
- The date the item was received for repair, the date the estimate was issued, and date on which the repair was completed
- A general notation of each stage of labor required to complete the authorized repairs, the amount of time required to complete each stage, and the total cost of the labor
- An itemization of each part added to or replaced in the repaired goods and a specific disclosure if any parts are rebuilt, used, or reconditioned; a description by name, factory part, number or by name, class and type, of each part added or replaced; and the charges levied for each part added or replaced. No miscellaneous designations (such as "shop supplies" or "shop materials") shall be used
- An itemized statement of all additional charges, including but not limited to, charges for supplying an estimate, service calls, storage, service and handling, taxes, and other charges
- Identification of each repairman who performed all or part of the repairs on the consumer goods and identification of the specific stage of repair for which each repairman named was partially or wholly responsible
- A statement identifying any and all work that was subcontracted to any other repair dealer including, when requested by the customer, the name and address of any subcontractors who have performed repair work on all or part of the consumer goods
- A statement describing the exact nature of any warranty on the repairs performed, including labor and parts, unless the warranty is attached to the final bill. If there is no warranty, that fact shall be disclosed
- The statement: "Bond Filed with the Department of Consumer and Regulatory Affairs"
- This statement is bold type, on either side of the final bill form: **SAVE THIS DOCUMENT. TO MAKE INQUIRIES, CONTACT THE D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS BETWEEN 8:30 AM and 4:30 PM AT 941 NORTH CAPITOL STREET, NE WASHINGTON DC 20002 (202) 442-4615, and**
- This statement in bold type: **ALL LABOR PERFORMED AND PARTS ADDED OR REPLACED WHERE NECESSARY TO PERFORM THE REPAIRS AUTHORIZED BY THE CUSTOMER.**

CDCR § 16-637

RECORD RETENTION

Records of repair jobs shall be available for inspection by the Department under this section for a minimum period of four (4) years and shall include the following:

- (a) A copy of each written estimate, as required by § 633;
- (b) A copy of each final bill, as required by § 637;
- (c) The name and address of the customer ordering the repair work;
- (d) A description of the article repaired, including type, serial number, or license tag number in the case of motor vehicles, and other information that would reasonably identify the repaired item; and
- (e) All changes of significant identifying numbers.

CDCR 16-620.7

Licensing and Registration

Automotive repair dealers must be licensed and file a surety bond. Prescribed applications forms may be obtained from the Department of Consumer and Regulatory Affairs. The application must also include copies of the "written estimate" and "final bill" forms required under D.C. regulations. Licenses are good for 12 months from the date of issuance and must be renewed no later than 60 days before the expiration date of the license. Dealers who employ 5 or fewer repairmen must file a \$2000 surety bond, and dealers who employ more than 5 repairmen must file a \$5,000 surety bond. Dealers licensed in D.C. who are not residents of the District must, upon issuance of the license, immediately appoint a resident agent who resides or who has an office in D.C. Dealers must promptly notify the Department of Consumer and Regulatory Affairs of the resident agent.

CDCR §§ 16-602 through 16-607

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

The automotive repair dealer must deliver to the customer in the container in which a new part was packed any part replaced by that new part, unless the customer expressly waives this requirement by so indicating on the written estimate. This requirement is met if:

- The part is too large to be easily moved;
- The part must be returned to the manufacturer if the customer wishes to take advantage of a parts warranty; or
- The part can be rebuilt and the repairman purchases it from the customer for that purpose.

CDCR § 16-636

Promised Repair Completion Date

The automotive repair dealer must make available to the customer the repaired goods, together with the final bill, on or before the promised date specified on the written estimate (or specified orally and noted on the written estimate) unless the customer is notified of a delay, and the new anticipated completion date is provided, in advance of the original date on which the goods were promised.

If a repair is delayed beyond the promised completion date, the customer shall have the right upon request to prompt return of the goods. If the customer requests a return of goods, the customer must specify whether the goods should be reassembled in such a manner as not to be inferior to their condition at the time they were presented for repair or in such a lesser condition of assembly as the customer shall designate as acceptable. Regardless of the state of assembly of the goods chosen by the customer, if the delay is caused solely by circumstances beyond the control of the automotive repair dealer, the repair dealer shall be entitled to charge the customer for the value of the services and parts supplied. An exact accounting of all services and parts shall be given to the customer.

CDCR § 16-638

Receipt of Property

Upon taking possession of goods to be repaired, a receipt must be provided that discloses the following:

- (a) The name, business address, and telephone number of the consumer goods repair dealer (as that information appears on the license) who is taking possession of the goods or whose agent is taking possession of the goods;
- (b) The name and signature of the person who actually takes the goods into custody, and the date the item was received for repair; and
- (c) A description of the goods, including make and model number or other features that reasonably identify the goods.

If it is possible to supply an estimate that meets the requirements below, that should be supplied in lieu of this receipt.

CDCR §§ 16-632

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with the District of Columbia's Repair of Consumer Goods Act. Pursuant to the statute, any miscellaneous charges, including shop fees, must be provided on the written estimate and included in the final invoice.

Additionally, businesses must comply with the District of Columbia's general unfair and deceptive laws, which generally prohibit unconscionable or deceptive practices in a transaction with a customer or potential customer. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

CDCR §§ 16-633.2(j), 16-637.4(g)

State Battery Recycling and Fees

No Statutes/Regulations available at this time

Storage Charges

Storage charges may be charged by a consumer goods repair dealer in the following circumstances:

(a) If the customer has been notified of the following:

- (1) That repairs have been completed;
- (2) The date after which storage charges will begin to accrue; and
- (3) The cost of the storage charges;

(b) If the customer has failed to call the dealer for oral communication of an estimate as required in § 634; or

(c) If the Department, upon review, has determined that the dealer is entitled to storage charges.

CDCR § 16-640

Tire Recycling and Disposal (Including Fees)

D.C. law requires sellers of new tires to pay the district a \$2 fee per tire sold. Although not expressly stated, this fee presumably can be charged to customers. Businesses are not expressly prohibited from charging an additional tire disposal fee or including either in calculating shop fees.

D.C. Code § 8-1015.01

Waiver of Estimate

If the customer chooses, the customer may waive the right to receive a written estimate prior to authorizing repairs by signing the separate waiver provision on the written estimate form. The waiver of written estimate must be in a form required by the Department of Consumer and Regulatory Affairs and shall provide the customer with the option to authorize repair after receiving an oral estimate which contains the same information as the estimate form. If the consumer chooses an oral estimate, the written estimate must still be prepared at the time of the oral estimate and presented to the consumer along with the final invoice.

The waiver of written estimate shall also contain the following:

- On the top in bold letters the following statement: **YOU HAVE THE RIGHT TO RECEIVE A WRITTEN ESTIMATE WHICH IS SIGNED BY YOU AND THE DEALER BEFORE REPAIR SERVICES ARE AUTHORIZED AND BEGUN**
- A statement of any charges that will be made in the event that the customer, upon receiving the estimate orally, elects not to proceed with the repairs
- An instruction to the customer to indicate, on the appropriate space on the written estimate form or waiver form, whether he or she does or does not wish to receive the replaced parts, and
- The date and time after which storage charges will be imposed if the customer fails to contact the consumer goods repair dealer for oral communication of the estimate.

CDCR § 16-634

Florida

Additional Notices/Disclosures

Repair shops are required to post in a conspicuous place in the customer service area a sign. The sign must contain:

- The toll-free telephone number of the Department of Consumer Information and Assistance;
- A statement that the customer at the time the work order is taken has the right to request the return or inspection of parts that have been replaced during the repair; and
- The shop's Florida Registration Certificate must be attached to the sign.

Fla. Stat. § 559.916

Additional Resources

Guide on Hazardous Waste Management for Auto Repair Shops:

http://www.dep.state.fl.us/waste/quick_topics/publications/shw/hazardous/business/autorepair02.pdf

Environmental Compliance Manual for Automotive Recyclers: <http://www.ccar-greenlink.org/Salvageyard/AutomotiveHandbookforWeb.pdf>

Advertising

Repair shops are required to list their registration number on all advertisements, announcements, or listings relating to motor vehicle repair that are placed in a newspaper, magazine or directory. This requirement does not apply to the mere listing of the business name and telephone number in a telephone directory which is customarily done at no charge to the business.

If registrants with more than one place of business utilize a single display advertisement, and a consecutive series of registration numbers has been issued to the registrants, the registrants may use a statement disclosing the range of registration numbers issued to the registrants named in the advertisement to satisfy the requirements of Section

Fla. Stat. § 559.916; 5J-12.004 F.A.C.

Fla. Stat. § 559.916

Estimates

The MVRA states that if a customer leaves his or her motor vehicle at the shop when the shop is closed, there is an implied waiver of the right to a written estimate; however, upon completion of the diagnostic work necessary to estimate the cost of repair, the shop must notify the customer either by telephone or mail of the estimated cost of repair.

The MVRA requires that a written estimate of the cost of a repair, including diagnostic work, be given to the customer before any work is begun if the repair will exceed \$100. The shop cannot charge for the estimate unless it discloses to the customer the amount of the charge or how the charge will be calculated and obtains authorization on the written repair estimate. The estimate must include:

- The name, address and telephone number of the repair shop;
- The name, address and telephone number of the customer;
- The date and time of the written repair estimate;
- The year, make, model, odometer reading, and license tag number of the motor vehicle;
- The proposed work completion date;
- A general description of the customer's problem or request for repair work or service relating to the motor vehicle;
- A statement as to whether the customer is being charged according to a flat rate or an hourly rate, or both;
- Any charge for shop supplies or for hazardous or other waste removal. If state or federal law mandates a charge, the estimate must reference the specific law that mandates the charge and the amount of that charge. If a charge is included, the estimate shall include the following:

"This charge represents costs and profits to the motor vehicle repair facility for miscellaneous shop supplies or waste disposal"

- The cost for making a repair price estimate or, if the charge cannot be predetermined the basis on which the charge will be calculated;
- The customer's intended method of payment;
- If the customer chooses to designate one, the name and telephone number of another person who may authorize repair work;
- A statement indicating what, if anything, is guaranteed in connection with the repair work and the time and mileage period for which the guarantee is effective;
- A statement allowing the customer to indicate whether replaced parts should be saved for inspection or return;
- A statement disclosing the daily charge for storing the customer's motor vehicle after the customer has been notified that the repair work has been completed. Note: no storage charges can be charged until the vehicle has been left at the shop for more than three days;

Filter Recycling and Disposal

Used oil filters generated by commercial entities may not be landfilled in Florida. It is the responsibility of the generator to try to ensure that such filters are not disposed of in a landfill. A commercial generator of used oil filters must have the filters managed by a registered processor or must register with the Department of Environmental Protection as a used oil filter processor. All used oil filter transporters, transfer facilities, processors and end users of used oil filters must register with the Department.

Storage Requirements: Used oil filters must be stored in above ground containers which are clearly labeled "Used Oil Filters" and in good condition with no visible oil leakage. The containers must be sealed and protected from weather and stored on an oil impermeable surface. If oil leaks from a used oil filter container, the owner or operator shall:

1. Stop the release;
2. Contain the released oil;
3. Clean up and manage the released oil and any oily waste; and
4. Repair or replace any leaking used oil filter storage containers before returning them to service.

Processors: Used oil filter processors must maintain records on forms provided by the department. These records must include the final destination of the processed used oil filters, including name and street address of each destination or end user. These records must be retained for three years. By March 1 of each year, each registered used oil filter processor must submit an annual report to the Department.

62-710.850, F.A.C.

Invoices

All invoices must contain the following information:

- The current date;
- The odometer reading of the vehicle;
- A description of what was done to correct the problem or the work performed;
- An itemized description and the cost of all labor, parts, and merchandise supplied. If an item is supplied without or at a reduced cost due to a shop or manufacturer's warranty, that must be indicated;
- A statement identifying any replacement parts that are used, rebuilt or reconditioned;
- Whether any of the parts or labor is guaranteed and the time and mileage period for which the guarantee is effective.
- The facilities motor vehicle registration number.

It is illegal to refuse to return a customer's vehicle because the customer has refused to pay unauthorized repairs or repairs costing in excess of the final estimate.

Each motor vehicle repair shop must maintain repair records including the written repair estimates and repair invoices. A customer's records must be available to the customer for inspection and copying for at least 12 months. A reasonable fee may be charged for copying if copying facilities are available. The customer is not entitled to remove original records from the premises.

A customer must be given a copy of any document requiring the customer's signature upon completion or cancellation of the repair work.

Fla. Stat. § 559.911

Licensing and Registration

Motor vehicle repair shops must register biennially with the Department of Agriculture and Consumer Services. Repair shops with multiple places of business may file a single application listing all business locations, but a fee must be paid for each business location. Registration fees are based upon the number of employees and are not required in counties or municipalities which have ordinances at least as stringent as state law. Each initial application for registration must be accompanied by copies of the applicant's estimate and invoice forms.

Fla. Stat. § 559.904

Mechanic Certification

The Department of Agriculture and Consumer Services may use up to 10% of the annual proceeds of repair shop registration fees to provide financial assistance for individuals taking technical training or courses of study in motor vehicle repair. Repair shops utilizing such funds must provide proof of attendance or completion of the program.

Fla. Stat. § 559.922

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

Parts must be made available for the customer to inspect or be returned to the customer only if the customer makes a specific request.

Fla. Stat. § 559.905

Record Retention

Repair shops must maintain copies of written repair estimates and repair invoices for at least 12 months. During that period the customer has a right to inspect and copy the records. Repair facilities with copying facilities may charge a reasonable fee for photocopying. The records may also be inspected by the Department of Agriculture and Consumer Services.

Fla. Stat. § 559.915

Shop Fees and Waste Removal Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Florida's Motor Vehicle Repair Act. The Act requires the disclosure of any charges for shop supplies or for hazardous or other waste removal. The estimate must include the following:

"This charge represents costs and profits to the motor vehicle repair facility for miscellaneous shop supplies or waste disposal."

Fla. Stat. § 559.905

State Battery Recycling and Fees

Florida law also requires retailers of new or remanufactured lead acid batteries to pay a \$1.50 non-refundable fee to the Department of Revenue for each battery sold. The fees, which are subject to sales and use taxes, are to be remitted on or before the 20th day of the following month. Although not expressly stated, presumably this fee may be charged to the customer. There is not express prohibition on marking-up this fee or including it when calculating shop fees.

Fla. Stat. § 403.7185

Tire Recycling and Disposal (Including Fees)

Waste tires must be disposed of at a permitted solid waste management facility. Whole waste tires may not be deposited in a landfill as a method of ultimate disposal. A person may not contract with a waste tire collector for the transportation, disposal, or processing of waste tires unless the collector is registered with the department or exempt from requirements provided under this section. Any person who contracts with a waste tire collector for the transportation of more than 25 waste tires per month from a single business location must maintain records for that location and make them available for review by the department or by law enforcement officers, which records must contain the date when the tires were transported, the quantity of tires, the registration number of the collector, and the name of the driver.

Permits are required for waste tire collectors. However, a permit is not required for tire storage at the following places unless 1,500 or more waste tires are stored on the business premises:

- (1) a tire retreading business;
- (2) a single facility that, in the ordinary course of business, removes tires from motor vehicles; or
- (3) a retail tire-selling business which is serving as a waste tire collection center.

Florida law requires retailers of tires to pay a \$1 fee to the Department of Revenue for each new tire sold. The fee does not apply to recapped tires. The fees are to be remitted on or before the 20th day of the following month. Retailers may charge customers for this fee if it is listed as a separate line item on the invoice. Thus, the state tire fee cannot be included in calculating shop fees. However, Florida law does not expressly prohibit charging customers an additional tire disposal fee or including such a fee in calculating shop fees.

Fla. Stat. §§ 403.717-18; 62-711.300, F.A.C.

Warranties

The written estimate must indicate what, if anything, is guaranteed in connection with the repair work.

Fla. Stat. § 559.905

For paint and body shops, guarantees of workmanship, if provided, must be conspicuously displayed and include the mileage or time periods for which the guarantees are effective.

Georgia

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Advertising

Georgia does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

No Statutes/Regulations available at this time

Filter Recycling and Disposal

Georgia follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Georgia's Uniform Deceptive Trade Practices Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers selling lead acid vehicle batteries must accept, at the point of transfer, such batteries from customers for recycling. Retailers must also post a written notice (at least 8 1/2 inches by 11 inches in size), which contains the universal recycling symbol and the following language:

"IT IS ILLEGAL TO PUT A MOTOR VEHICLE BATTERY IN THE GARBAGE. RECYCLE YOUR USED BATTERIES. STATE LAW REQUIRES US TO ACCEPT MOTOR VEHICLE BATTERIES FOR RECYCLING."

Although there is no state battery fee to be assessed to the customer, there is no express prohibition on retailers from charging their own disposal fee or from including such a fee in their shop fee calculations.

O.C.G.A. § 12-8-28

Tire Recycling and Disposal (Including Fees)

Whole tires have been banned from landfills. Shredded or chopped tires can be land filled if no other end markets are available. No one may store more than 100 scrap tires anywhere in the State. Exceptions include tire retailers, if the number of scrap tires stored is under 3,000. Generators of scrap tires are required to obtain an identification number. Carriers must obtain permits including financial assurance.

A fee in the amount of \$1 per tire must be collected from the customer upon the purchase of replacement tires. The fees collected are to be paid no less than quarterly to the Department of Revenue accompanied with a form prescribed by the Department of Revenue. Tire dealers may retain 3% of the first \$3,000 in fees collected and 1/2 % of fees collected in excess of the first \$3,000 to cover the administrative costs of fee collection. However, no administrative costs may be retained if payment is not made on time.

Retailers are to cease collection of state tire fees on June 30, 2011.

Georgia law does not expressly prohibit charging an additional tire disposal fee or including either in calculating shop fees.

O.C.G.A. § 12-8-40.1

Hawaii

Additional Notices/Disclosures

The registration certificate or the certification certificate of the dealer must be displayed in a conspicuous place in the dealer's place of business and on each of the dealer's mobile repair facilities and shall clearly show the areas for which the dealer is registered or certified.

A board approved sign must be placed in all motor vehicle repair dealer locations in a place and manner conspicuous to the public. The sign must be at least 6" x 8" and be white with blue wording. The sign shall give notice that inquiries concerning a service may be made to the board and shall inform the customers that the customer is entitled to the following:

- (1) Written estimate for repair work;
- (2) Detailed invoice of work done and parts supplied;
- (3) Return of replaced parts, if requested at the time a work order is placed;
- (4) Information and questions concerning paragraphs (1) to (3) should be directed to the manager of the repair facility; and
- (5) Unresolved questions regarding service work may be submitted to the board. Location and telephone number of each island's office of the department of commerce and consumer affairs.

The board is required to furnish the original sign and may only charge a reasonable fee for any replacement sign.

WCHR 16-87-13, WCHR 16-87-21

Advertising

No motor vehicle repair dealer shall advertise unless it holds a valid motor vehicle repair dealer license. Advertisement includes, but is not limited to, the issuance of any card, sign, or device to any person, the causing, permitting, or allowing of any sign or marking on or in any building or structure, or newspaper or magazine, or directory under the listing of motor vehicle repair dealer, or broadcasting by airwave transmission which relates to the motor vehicle repair business.

Any advertising pertaining to the price of motor vehicle tires must disclose whether a separate disposal fee may be added to the final price of the tire and the actual cost of the disposal fee.

HRS §§ 437B-11.5, 342I-23

Equipment

Applicants for a motor vehicle repair dealer license must show that they have the equipment necessary to perform the repairs they are seeking certification for.

HRS §§ 437B-7.5

Estimates

Repair shops must give the customer a written estimated price for labor and parts necessary for a specific job prior to commencement of the job. Such written estimated price need not be given if waived in writing by the customer. No charge in excess of 15% of the estimated price, if the estimated price is less than \$100, or 10% of the estimated price, if the estimated price is in excess of \$100, may be charged for parts and labor supplied in excess of the estimated price, without the prior written or oral consent of the customer. Such consent shall be obtained at some time after it is determined that the estimated price is insufficient and before the labor not estimated is performed or the parts not estimated are supplied. This provision may be waived in writing by the customer, provided that such waiver by its terms shall be effective only after the dealer or mechanic has made reasonable efforts to contact the customer.

A reasonable fee may be charged for making the estimate.

If any crash parts manufactured by anyone other than the original vehicle equipment manufacturer are to be supplied or installed, the estimate must clearly state that fact and identify each of those crash parts. No repair shop may use crash parts which are not manufactured or supplied by the original vehicle equipment manufacturer unless the owner of the motor vehicle accepts the use of such parts and signs the estimate acknowledging the use and source of the crash parts.

HRS § 437B-15

Filter Recycling and Disposal

Hawaii allows for used oil filters to be disposed of in a landfill provided that the filters are:

- a) drained for at least 24 hours; or
- b) crushed and are not contaminated with a hazardous waste.

The State of Hawaii encourages the recycling of used oil filters.

Invoices

Invoices must describe all service work done and parts supplied. Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including the general excise tax, and shall state separately the tax, if any, applicable to parts and service work. If any crash, used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, crash, rebuilt, or reconditioned parts, the invoice shall clearly state that fact. One copy shall be given to the customer and one copy shall be retained by the motor vehicle repair dealer.

HRS § 437B-13

Licensing and Registration

Motor vehicle repair dealer licenses are required. Every motor vehicle repair dealer shall be a motor vehicle mechanic or shall have at least one motor vehicle mechanic in the dealer's employ. Motor vehicle repair dealers maintaining multiple facilities must separately license and pay fees for each facility. Licenses are renewed biennially in odd-numbered years. To be certified, at least 50% of the mechanics employed by the motor vehicle repair dealer must be certified.

Before a motor vehicle repair dealer license is granted, the applicant must establish that the applicant is or employs a full-time motor vehicle mechanic licensed with the state, and has a repair facility and the equipment necessary to properly perform work in the specialty or area of certification for which licensure is requested. The state may inspect the repair facility prior to licensing and at various times after licensing to ensure compliance.

Registration of motor vehicle repair dealers is limited to the specialties or areas of certification in which the dealer and the dealer's full-time employees, or both, have been registered or certified as mechanics by the board. Any person engaging in the business of rebuilding or restoring rebuilt vehicles shall be registered or certified in or shall employ mechanics registered or certified in all eight automotive specialties and shall provide a \$ 25,000 performance bond. Any person doing business as an auto body shop, auto paint shop, auto glass shop, auto machine shop, radiator shop, or other auto specialty shops shall register with the board as a motor vehicle repair dealer if the person performs work on the motor vehicle involving the removal, replacement, and repairing or modification, or both, of any component of the motor vehicle's engine, automatic transmission, brakes electrical systems, front and rear suspensions, air-conditioner, and standard transmission and rear axle.

Registrations are not transferable. If a repair dealer uses a valid fictitious name or "dba" the dealer must register the name or "dba" with the board.

HRS §§ 437B-7 through 437B-10; WCHR 16-87-11

Mechanic Certification

No motor vehicle mechanic shall engage in the repair of motor vehicles unless that person is also licensed as a motor vehicle repair dealer or unless that person is in the employ of a motor vehicle repair dealer. Mechanics applying for licensure must pass a certification test for each area of specialization.

Areas of automotive specialization include:

- (1) engine;
- (2) tune-up;
- (3) automatic transmission;
- (4) brakes;
- (5) electrical systems;
- (6) suspension and steering;
- (7) heating and air-conditioning; and
- (8) manual drive train and axles.

Areas of truck specialization include:

- (1) drive train;
- (2) brakes;
- (3) suspension and steering;
- (4) gasoline engines;
- (5) diesel engines;
- (6) and electrical systems. There is also a specialization for motorcycles and motor scooters.

HRS §§ 437B-7, 437B-24; WCHR 16-87-26

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

Upon request of the customer at the time the work order is taken, replaced parts must be returned to the customer at the time of the completion of the work. Parts required to be returned to the manufacturer or distributor under a warranty arrangement are exempt from this requirement. If the parts must be returned to the manufacturer or distributor, the repair shop must offer to show the parts to the customer upon completion of the work, except that the shop is not required to show a replaced part when no charge is being made for the replacement part.

HRS § 437B-14

Prohibited Acts

The following acts are expressly prohibited under Hawaii law:

- (1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading;
- (2) Causing or allowing a customer to sign any work order that does not state the repairs requested by the customer or the automobile's odometer reading at the time of repair;
- (3) Failing or refusing to give to a customer a copy of any document requiring the customer's signature, as soon as the customer signs the document;
- (4) Any other conduct that constitutes fraud;
- (5) Conduct constituting gross negligence;
- (6) Failure to comply with this chapter or rules adopted pursuant to it;
- (7) Any willful departure from or disregard of accepted practices or professional standards;
- (8) Making false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of a motor vehicle;
- (9) Having repair work subcontracted without the knowledge or consent of the customer unless the motor vehicle repair dealer, mechanic, or apprentice demonstrates that the customer could not reasonably have been notified;
- (10) Conducting the business of motor vehicle repair in a place other than stated on the license except that mobile repair facilities may be permitted if the license so indicates;
- (11) Rebuilding or restoring of rebuilt vehicles as defined in section 286-2 in such a manner that it does not conform to the original vehicle manufacturer's established repair procedures or specifications and allowable tolerances for the particular model and year;
- (12) Subcontracting, recommending, or referring motor vehicle repair work to, or in any way assisting, a motor vehicle repair dealer or mechanic whose license or certification is not in full compliance with this chapter;
- (13) Failure to directly supervise a motor vehicle mechanic apprentice/trainee or motor vehicle mechanic helper;
- (14) Servicing mobile air conditioners without using refrigerant recovery and recycling equipment that is certified by Underwriter Laboratories, Incorporated or was in use by the motor vehicle repair industry prior to December 31, 1989;
- (15) Performing service on any motor vehicle or mobile air conditioner after January 1, 1994, without successful completion of an appropriate training course in the recovery and recycling of CFC and HCFC refrigerants, which included instruction in the proper use of refrigerant recovery and recycling equipment that is certified by Underwriter Laboratories, Incorporated; and

HRS § 437B-11

Record Retention

The following records shall be maintained by the dealer:

- (1) warranty work invoices; all warranty offered for repair work shall be so indicated on the repair order and shall indicate the terms of the warranty;
- (2) all invoices, relating to automotive repair including invoices received from other sources for parts or labor, or both;
- (3) all written estimates pertaining to work performed, customer consent forms, and all other forms required by the board; and
- (4) all work orders or contracts for repairs, or both, parts and labor. All records shall be maintained for at least two years. The records shall be open for inspection by the board or other law enforcement officials.

See also tire/battery recycling sections (above).

HRS § 437B-16; WCHR 16-87-17

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Hawaii's Uniform Deceptive Trade Practices Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of lead acid batteries must accept, at the point of transfer, in a quantity at least equal to the number of new batteries purchased, used lead acid batteries from customers. Additionally, retailers must post written notice that is at least 5" by 7" in size, contains the universal recycling symbol, and the contains the following language:

- "It is illegal to discard a motor vehicle battery or other lead acid battery";
- "Recycle your used batteries";
- "State law requires us to accept used motor vehicle batteries or other lead acid batteries for recycling, in exchange for new batteries purchased"; and
- "The price of a new battery includes disposal of your old battery".

Any advertising pertaining to the price of lead acid batteries shall include the statement "the price includes disposal of your old battery."

All facilities accepting five or more lead acid batteries per day from an individual shall maintain records for three years that provide, at a minimum, the following information:

- (1) the name, phone number, and address of the person from whom the batteries were received;
- (2) the date of receipt of the lead acid batteries; and
- (3) the record of shipment indicating the ultimate destination of the lead acid batteries and the date of shipment.

HRS §§ 342I-2, 342I-6

Tire Recycling and Disposal (Including Fees)

Whole tire may not be disposed of in landfills. Tire retailers may dispose of tires by delivering them to the agent of a motor vehicle tire wholesaler, to a motor vehicle tire manufacturer, or to an authorized motor vehicle tire recycler. Tire retailers must accept used tires from customers. The quantity of used tires that must be accepted is equal to the number of new tires purchased by the customer.

Retailers must post written notice, at least 5" by 7" in size and easily visible to customers, that contains the universal recycling symbol and the following language:

"It is illegal to discard a motor vehicle tire";

"Recycle your used tires";

"State law requires us to accept used motor vehicle tires for recycling or disposal, in exchange for new tires purchased;" and

"The final price of a new tire includes disposal of your old tire. The disposal fee is not subject to reduction or refund."

These signs are to be furnished by the Department of Health.

Any advertising pertaining to the price of motor vehicle tires must disclose whether a separate disposal fee may be added to the final price of the tire and the actual cost of the disposal fee.

Additionally, all facilities that accept used tires, must maintain, for a minimum of 3 years, records that provide, at least, the following information:

- (1) the name, phone number, and address of the person, company, business, source, or entity from whom the used tires were received, if receiving used tires from entities other than the general public, such as tire retailers, wholesalers, transporters, collectors, and recyclers;
- (2) the date of receipt of the used tires;
- (3) the quantity of used tires received; and
- (4) the record of shipment indicating the ultimate destination of the used tires, identification of the transporter, date of shipment; and quantity of tires shipped. A summary of this information must be submitted to the department by July 31 of each year, listing the total quantity of used tires collected and the ultimate disposition of the used tires.

Persons importing at least 50 tires into Hawaii annually must pay a tire surcharge of \$1 per tire. Payment must be made to the Department of Health quarterly (yearly if importing less than 200 tires per year).

HRS § 342I-21 et seq.

Warranties

No Statutes/Regulations available at this time

Idaho

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Advertising

It is unlawful to:

- Sell or advertise to sell an item below cost (IC § 48-405);
- Advertise a price is for complete goods or services, if there are hidden costs which must be paid to make the goods or services complete;
- State that a price is for all sizes or types of goods when in fact that price is only applicable to isolated items; and
- Make fictitious price comparisons.

IAC Rules 130 – 131

Estimates

Estimates must include an itemization of the following charges:

- Labor charges, designating the number of hours and the rate per hour or the flat rate charge
- Any minimum charge
- Parts and materials separately listed
- Whether any parts are used or rebuilt
- Miscellaneous charges, designating the reason for the charge and the basis for the calculation of the charge

IAC Rule 131

Filter Recycling and Disposal

Idaho follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

Invoices

Invoices must include an itemization of the following charges:

- Labor charges, designating the number of hours and the rate per hour or the flat rate charge.
- Any minimum charge
- Parts and materials separately listed
- Whether any parts are used or rebuilt
- Miscellaneous charges, designating the reason for the charge and the basis for the calculation of the charge

IAC Rule 131

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

Upon request, old or replaced parts must be returned to or allowed to be inspected by the customer. Parts may not be retained for reuse or resale after a request has been made for their return by the customer.

IAC Rule 132

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, Idaho rules require all estimates and invoices to include an itemization of all miscellaneous charges, including shop fees. The shop must indicate the reason for the charge and the basis on which it was calculated.

Additionally, all businesses must comply with Idaho's Consumer Protection Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

IAC Rule 131

State Battery Recycling and Fees

Sellers of lead acid batteries must accept used batteries from customers purchasing new batteries. Sellers are to charge customers \$10 per battery unless a used battery is exchanged for the new battery or returned, with a receipt, to the seller within 30 days of the purchase. Sellers may keep any lead acid battery fees not properly claimed within 30 days of the sale.

Additionally, sellers must display the following written notice in a clearly visible portion of the public sales area:

"It is unlawful to dispose of a motor vehicle battery or other lead acid battery in a landfill or any unauthorized site.

Recycle all used batteries."

There is no express prohibition against marking-up the battery fee.

Idaho Code § 39-7003

Tire Recycling and Disposal (Including Fees)

Waste tires must be disposed of at permitted public or private municipal solid waste landfills which have been approved to accept waste tires in their operating plans. The tires must be reduced to no more than 64 square inches in size.

No person shall store waste tires on any public or private property in Idaho unless the property is a waste tire storage site as defined or otherwise exempted under the Idaho code. No person shall own or operate a waste tire storage site without a permit or other written county or city authorization.

The owner or operator of a waste tire storage site shall maintain financial assurance in the form of a cash bond payable to the county or city, in an amount acceptable to the county or city where the waste tire storage site is located; provided however, counties and cities shall require a minimum initial financial assurance of two dollars and fifty cents (\$ 2.50) per tire authorized to be stored at the site.

Owners and operators of a waste tire storage site shall record and maintain on-site for a period of three (3) years, operational records including, but not limited to, the daily quantity of tires transported to and from the site, and the estimated quantity of tires located at the site.

Idaho Code §§ 39-6502, 39-6503

Illinois

Additional Notices/Disclosures

Sign Posting Requirements (815 ILCS § 306/55)

Every repair shop must post in a prominent place in a readily visible location a sign that contain the following language:

“YOUR CUSTOMER RIGHTS.

UNLESS THE FACILITY PROVIDES A FIRM PRICE QUOTATION, YOU ARE ENTITLED BY LAW TO:

1. A WRITTEN ESTIMATE FOR REPAIRS THAT WILL COST MORE THAN \$100 UNLESS WAIVED OR ABSENT FACE TO FACE CONTACT (SEE ITEM 3 BELOW).
2. AUTHORIZE ORALLY OR IN WRITING ANY REPAIRS THAT EXCEED THE ESTIMATED TOTAL PRE SALES TAX COST BY MORE THAN 10% OR THAT EXCEED THE LIMITED PRICE ESTIMATE.
3. AUTHORIZE ANY REPAIRS ORALLY OR IN WRITING IF YOUR VEHICLE IS LEFT WITH THE MOTOR VEHICLE REPAIR FACILITY WITHOUT FACE TO FACE CONTACT BETWEEN YOU AND THE MOTOR VEHICLE REPAIR FACILITY PERSONNEL.

IF YOU HAVE AUTHORIZED A REPAIR IN ACCORDANCE WITH THE ABOVE INFORMATION, YOU ARE REQUIRED TO PAY FOR THE COSTS OF THE REPAIR PRIOR TO TAKING THE VEHICLE FROM THE PREMISES.”

The first line of the sign must be in letters not less than 1.5 inches in height and the remainder of the sign must be in letters not less than 0.5 inches in height.

Warranty Disclosures (815 ILCS § 306/60)

If a repair shop provides a warranty on repair parts or labor, the warranty must contain:

- A description of the parts or service included or excluded from the warranty;
- How the length of the warranty and any requirements the customer must meet for the shop to honor the warranty;
- All conditions or limitations on the warranty;
- How the obligations under the warranty will be met; for example, replacement, repair or refund; and whether the choice is the shop's or the customer's;
- The warrantor's name and address.

815 ILCS § 306/55

All motor vehicle repair shops shall display the following:

- (1) a current and valid motor vehicle repair shop license issued in accordance with provisions of Chapter 4-4 of the Municipal Code of the City of Chicago shall be displayed in a place and manner conspicuous to their customers;
- (2) an official motor vehicle repair shop sign which meets the specifications of the Municipal Code (provided by the city) shall be displayed in a place and manner conspicuous to their customers;
- (3) a sign which measures at least 8 1/2 by 14 inches, describing how labor charges are computed. This sign may also show the shop's hourly labor charge. This sign must be posted next to the official motor vehicle repair shop sign. The repair shop must supply the sign. A mobile unit shall have the labor charge sign firmly affixed to the outside of the mobile unit in such a manner that it is visible to pedestrians.

City of Chicago Municipal Code § 4-228-080

Additional Resources

Illinois EPA Guide to Used Oil and Used Oil Filters: <http://www.epa.state.il.us/small-business/used-oil/>

Advertising

Repair facilities may not advertise in a false, deceptive or misleading manner.

815 ILCS § 306/80(1)



Repair shops must disclose in any published or broadcasted advertisement relating to motor vehicle repair the following information:

- (1) the name of the licensee, as shown on the license;
- (2) the street address of the motor vehicle repair shop; and
- (3) if a repair shop does not perform repairs on motor vehicles but takes custody of motor vehicles and contracts all repairs to another, it must so state this fact.

An advertisement by a repair shop of a warranty which provides for adjustment on a pro rata basis must be conspicuously disclose the basis on which the warranty will be prorated.

No motor vehicle repair shop shall publish, utter or make or cause to be published, uttered or made any false or misleading statement or advertisement which is known to be false or misleading, or which by the exercise of reasonable care should be known to be false or misleading. In determining whether any advertisement, statement or representation is false or misleading, it shall be considered in its entirety as it would be read or heard by persons to whom it is designed to appeal. An advertisement, statement or representation shall be considered to be false or misleading if it tends to deceive the public or impose upon credulous or ignorant persons.

City of Chicago Municipal Code § 4-228-070(b)-(d)

Customer Pick-Up and Liens

If the customer provides the shop with reasonable notice, the vehicle may be picked up during regular business hours once the customer has paid for all labor performed, parts installed or parts specifically ordered for the customer's car and any storage charges disclosed to the customer prior to the repair. If the shop fails to comply with the requirements of the ARA or performs unauthorized repair, it cannot place a lien on the customer's car.

815 ILCS §§ 306/70, 306/75

Disposal of Parts and Unclaimed Vehicles

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Motor vehicle repair shops must lawfully dispose of all un-repairable or unclaimed motor vehicles and motor vehicle parts which are within their custody. Proof of proper disposal, in the form of a receipt, must be maintained by each motor vehicle repair shop on the business premises of the repair shop for a minimum of one year, and shall be made available for inspection by state during the repair shop's business hours. With respect to tires, the receipt shall include or be accompanied by the following information: the name and address of the motor vehicle repair shop, the date of disposal, the name and address of the disposal facility, the number of tires disposed of; and the name of the transporter of the waste tires, including the truck number or license plate number.

City of Chicago Municipal Code § 4-228-025

Estimates

Before performing any repair work that exceeds \$100, a repair shop must provide the customer with a written estimate and the shop must maintain a written or electronic copy of the estimate for two years. Repair shops have two options for the type of estimate they can provide a consumer:

1. An itemized estimate separating parts and labor, which the repair shop cannot exceed by more than 10%. If a repair exceeds the estimate by more than 10%, the repair shop must first obtain the customer's oral or written approval before charging the consumer for the additional work; or
2. Give to each consumer a non-itemized estimate stating the total price for the repair, which the shop cannot exceed at all without the oral or written consent of the consumer.

The basic distinction between the options is that in option number one, you are informing the customer that the amount is an estimate that may not be exceeded by greater than 10% without prior approval. In option number two the repair shop is providing the consumer with a price limit that will not be exceeded without prior approval. The Illinois ARA recommends the following language for the estimate choice:

"You are entitled to a price estimate for the repairs you have authorized. The repair price may be less than the estimate but shall not exceed

(1) any price limited estimate or

(2) any parts and labor estimate by more than 10%. Additional repairs may not be performed without your consent. You may waive your right to a written estimate and require that you be notified if the price exceeds an amount you have specified.

You may waive your right to an estimate, which gives the motor vehicle repair facility the right to set the price without your permission. Your signature will indicate your selection.

(a) I request an estimate in writing before you begin repairs.

Signature.....

(b) Please proceed with repairs but call me for approval before continuing if the price exceeds \$.....

Signature.....

(c) I do not want an estimate and you may set the price of repairs.

Signature.....

Date.....

Time.....

This estimated price for authorized repairs will be honored if the motor vehicle is delivered to the facility within the time period agreed to by the consumer and the motor vehicle repair facility."

No work for compensation shall be commenced and no charges shall accrue without specific authorization from the customer in accordance with the following requirements:

- **Authorization.** Must provide a firm price or a written estimated price for labor and parts for a specific repair, including an estimate of the time necessary to complete the repair. Work may not begin until authorization to complete the repairs is given. May not charge for repair work done or parts supplied in excess of 10% or \$15.00, whichever is less, of the estimated price without oral or written consent of the customer. If such consent is oral the repair shop shall make a notation on the work order and on the invoice of the date, time, name of person authorizing the additional repairs, and telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost. Oral authorization is acceptable if the customer dropped off the vehicle other than during normal business hours or if the vehicle is towed to the repair shop. Notation of such oral authorization must be made in the same was as described above.
- **Subcontracting.** No service shall be done by other than original repair shop without the consent of the customer, unless the customer cannot reasonably be notified. The repair shop shall be responsible, in any case, for any such service in the same manner as if said repair shop had done the service.
- **Cost of Reassembly.** In the event that it is necessary to disassemble, or partially disassemble, a vehicle or vehicle component in order to provide the customer with a written estimate for required repair or maintenance, the estimate shall show the cost of reassembly in the event the customer elects not to proceed with the repair or maintenance of the vehicle.
- **Failure to Meet Completion Date.** Must notify the owner if repairs cannot be completed by estimated completion date. If return of the vehicle is requested by the owner, the vehicle must be returned within 3 working days of such request. The repair shop is entitled to receive payment for the work actually done and those items on the schedule of charges to which he/she is entitled.
- **Waiver of Estimate.** A customer may waive the right of written estimate if such waiver is voluntary and without coercion.
- **Misrepresentation.** Repair shops may not intentionally make repairs upon a vehicle which are not necessary to correct the malfunction for repair of which its services were sought. A repair shop may not represent that it has performed work or replaced parts on a motor vehicle when said shop has not performed the work or replaced the parts.

• **Disclosure of Right to Estimate.** The following disclosure must be given to and signed by prospective customers:

"You are entitled to a price estimate for the repairs you have authorized. The repair price may be less than the estimate, but will not exceed the estimate by more than ten percent or \$15.00, whichever is less, without your consent. You may waive your right to a written estimate and require that you be notified if the price exceeds an amount you have specified.

You may waive your right to an estimate which gives the repair shop the right to set the price without your permission. Your signature will indicate your selection.

(a) I request an estimate in writing before you begin repairs.

Signature _____

(b) Please proceed with repairs but call me for approval before continuing if the price exceeds \$_____. Signature _____

(c) I do not want an estimate and you may set the price of repairs.

Signature _____

Date _____

Time _____

This estimated price for authorized repairs will be honored if the motor vehicle is delivered to the shop within ten days."

- **Work Orders.** A motor vehicle repair shop shall not perform any services not authorized by the customer by a work order. If a repair shop prepares a written work order, a legible copy shall be given to the customer. If a written work order is prepared by the customer, such work order shall be attached to the invoice. If the customer gives an oral work order, the oral work order shall be noted on the invoice and shall include the date, time, manner of authorization, telephone number called, if any, and by whom such authorization was given. Standard work order agreement provisions are as follows:

- (1) Authorization of repairs to be made;
- (2) Permission to operate the motor vehicle;
- (3) Acknowledgment of mechanic's lien to secure amount of repairs; and
- (4) Limitation on liability for loss or damage, if any.

• **Vehicle Operation.** A motor vehicle repair shop shall operate a customer's vehicle while in its possession only in accordance with the directions of the customer or as is necessary to repair or road test the vehicle.

• **Minimum Font Size for Disclosure Provisions.** Other than the disclosures and statements required by law, if any other preprinted provision is stipulated on a document which the customer signs, it must be no smaller than eight point type. If any provisions appear on a side other than that which the customer signs a notice must appear just above the customer's signature calling attention to additional terms and conditions and their location on the document.

• **Schedule of Charges.** Before taking custody of a motor vehicle, the repair shop must provide the owner with a written itemized schedule of charges, if such charges are made, to include the following items:

- (1) charges for making an estimate of repairs;
- (2) total charges for release of the motor vehicle in reasonably the same condition as when delivered to licensee if repairs are not made;
- (3) total charges for release of the motor vehicle in a disassembled state if it is not repaired;
- (4) towing charges;
- (5) storage charges; and
- (6) itemized list of all other charges, other than those included in the estimate.

Written estimates must indicate the hour labor charge and how it is computed; i.e., by clock hours or flat rate. If a flat rate is used, the manual used must be specified. However, a repair shop may utilize a job rate which covers both labor and parts, provided a list of parts is included in the estimate and invoice. If flat rate time is used, the customer shall be shown relevant time rates as listed in the manual, on request.

Except for the estimated price, shops may not charge a person for a service not recorded on the schedule of charges. The shop must retain one copy of the schedule of charges signed by the motor vehicle owner for a period of two years. If the shop cannot give the owner a schedule of charges before taking custody of the vehicle (e.g. it is towed), the schedule must be given when the estimate is provided.

• **Removal of Vehicle.** Upon reasonable notice a customer may remove a vehicle from a repair shop, during the repair shop's business hours, upon paying for:

- (1) labor actually performed;
- (2) parts actually installed;
- (3) parts ordered specifically for the customer's car if the order is not cancelable or the parts not returnable for cash or credit; and
- (4) storage charges imposed in accordance with the schedule of charges.

• **Customer Inspection.** A customer has the right to inspect his/her vehicle before paying for repair work. The inspection must be on the premises of the repair shop.

City of Chicago Municipal Code § 4-228-025

Filter Recycling and Disposal

Used oil filters that are drained or drained and crushed and are shipped to a recycling facility would be considered scrap metal, not waste. There are no permitting, manifesting or special waste hauling requirement. Used oil filters that are drained or drained and crushed and shipped for disposal would have to be visually inspected to see if they contain terne plating.

Terne-plated filters must have a TCLP test completed if you wish to demonstrate the filters are not characteristically hazardous. Terne-plated filters that are hazardous and un-drained filters must be managed as a special waste using the requirements dictated below. Non-terne filters would be considered general solid waste (non-special).

The disposal site must be permitted by this Agency. Illinois requires that un-drained used oil filters be managed as special waste. A generator of special wastes must make a determination (hazardous waste) in accordance with 35 Ill. Admin. Code 722.11. Special wastes must be delivered to treatment, storage & disposal facilities with current operating permits.

If a generator produces 100 kgs (220 pounds) or more special waste per month, the waste must be transported by a licensed special waste hauler and manifested.

If a generator produces less than 100 kgs (220 pounds) of special waste per month, manifest requirements are waived, but a licensed special waste hauler must be used unless the waste is transported by the generator. A shipment of non-special waste does not require manifesting or shipment by a special waste hauler.

Health and Sanitation

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Owners, proprietors, lessees, managers and/or superintendents of motor vehicle repair shops are prohibited from causing, permitting or allowing any portion of such shop to be overcrowded or inadequate, faulty or insufficient in respect of light, ventilation, heat and cleanliness. Fresh air must be supplied by ventilation in accordance with the building provisions of this Code.

All repair shops must be kept in a clean condition and free as far as practicable from all gases, vapors, dust or other impurities generated by manufacturing processes or the operation of motors or other machinery, or otherwise, which are injurious to health.

Lockers for workmen's clothing shall be of metal.

City of Chicago Municipal Code § 4-228-095

Invoices

A repair shop must provide a legible copy of the invoice to the customer for every repair service. This is true even if the shop was not required to provide an estimate. The repair shop must keep a paper or electronic copy of the invoice for two years. An invoice must contain:

- The repair shops business name and address;
- The name of the customer;
- The vehicle's description;
- The description and itemized costs of all parts and labor (including warranty work);
- The date of the invoice;
- The odometer reading at the time the invoice is prepared;
- The terms of any warranty or guarantee for the work performed;
- The total price charged.

815 ILCS § 360/50

Invoices must contain the following information:

- The repair shop's license number and the corresponding business name and address;
- The date of the invoice and the date the vehicle was presented to the repair shop for repair or servicing;
- The odometer reading on the vehicle on the date it was left with the repair shop and the time the invoice was prepared;
- A promised date of delivery, if any such date was given,
- The name of the customer,
- The description of the vehicle and the terms;
- Time limit of any guarantee for the repair work performed;
- Description of all repair work done by the motor vehicle repair shop, including all warranty work, and a separate identification of each part supplied, in such manner that the customer can understand what was purchased. The name of the manufacturer of all parts and the total price charged for all parts and labor must be specified;
- Service work and parts must be listed separately on the invoice, which must also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if applicable, to each;
- The name of any distributor giving a warranty of 90 days or more and/or 3,000 miles may be recorded on the invoice in lieu of the name of the manufacturer of the parts.
- If any used, rebuilt or reconditioned parts are supplied, the invoice shall clearly state that fact;
- If a part of a component system is composed of new and used, rebuilt or reconditioned parts, the invoice shall clearly state that fact;

A legible copy of such invoice shall be given to the customer and a legible copy will be retained by the motor vehicle repair shop for a period of two years from the time of repair as a part of the repair shop's records.

City of Chicago Municipal Code § 4-228-060(m)

Licensing and Registration

CHICAGO

Businesses engaged in motor vehicle repair for within the City of Chicago must obtaining a license from the City of Chicago. If the business has multiple locations, a license is required for each such location. Applications must be made on forms prescribed by the City of Chicago.

City of Chicago Municipal Code § 4-228-020

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

No Statutes/Regulations available at this time

Upon request of the customer at the time the work order is taken, repair shops must return replaced parts to the customer upon the completion of the work except such parts as the motor vehicle repair shop is required to return to the manufacturer or distributor under a written warranty or exchange agreement. If such parts must be returned to the manufacturer or distributor, the repair facility at the time the work order is taken and request made shall offer to show, and upon acceptance of such offer or request shall show, such parts to the customer upon completion of the work, except that the repair shop shall not be required to show a replaced part when no charge is being made for the replacement part.

Those parts and components that are replaced and that are sold on an exchange basis are exempt from the above requirement, provided the customer is advised said parts are not returnable in writing on the estimate and/or invoice. When a request is made prior to commencement of the work the repair facility shall provide a reasonable opportunity to the customer to inspect the part that is to be repaired or replaced.

Customers must be informed of their right to receive or see replaced parts prior to the customers executing any document or engaging the facility or mechanic for the work. The information shall be given to the customer on the face of any contract, work order form, or other document evidencing the engagement of the facility or by separate written document, in at least 14-point boldface type, as follows:

"You are entitled by law to the return of all parts replaced, except those which are too heavy or large, and those required to be sent back to the manufacturer or distributor because of warranty work or an exchange agreement. You are entitled to inspect the parts which cannot be returned to you."

All motor vehicle repair shops shall give customers the choice of receiving replaced parts by including on all estimate forms the following statement:

"I request the return of parts replaced _____.
I do not want replaced parts returned to me _____."

The above statement shall be in 14-point or larger bold capital typeface and executed with one legible copy to the customer requesting repairs.

City of Chicago Municipal Code §§ 4-228-060(j)-(k), (l)(2)-(3)

Record Retention

Repair facilities must keep copies of all estimates and invoices for at least two years. The copies may be kept in electronic format.

815 ILCS § 360/65

Each motor vehicle repair shop must maintain copies of estimates, work orders, invoices, parts purchase orders, appraisals and schedules of charges prepared by that repair shop. Such copies must be kept for two years and must be available for inspection by the city during all business hours.

City of Chicago Municipal Code § 4-228-070(a)

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Illinois's Automotive Repair Act, which requires the itemization of all additional charges, including shop fees, on the invoice. Furthermore, auto repair shops are prohibited from deceptive advertising. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

815 ILCS § 306/50

Specifically Prohibited Acts

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It is unlawful for a repair shop to perform the following acts or omissions:

- (a) making or authorizing in any manner or by any means whatever any statement, written or oral, which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading;
- (b) causing or allowing a customer to sign any work order which does not state the repairs requested or authorized by the customer, and does not state the motor vehicle's odometer reading at the time of repair;
- (c) failing or refusing to give a customer a copy of any document requiring his/her signature, as soon as the customer signs such document;
- (d) any other conduct which constitutes fraud;
- (e) conduct which constitutes gross negligence;
- (f) failure to comply with the provisions of this chapter or regulations adopted pursuant to it;
- (g) any willful departure from or disregard of accepted trade standards for good and workmanlike repair in any material respect, which is prejudicial to a customer, without the prior consent of the customer or his/her duly authorized representative;
- (h) making false promises of a character likely to influence, persuade or induce a customer to authorize the repair, service or maintenance of motor vehicles;
- (i) having repair work done by someone other than the motor vehicle repair shop without the knowledge and prior consent of the customer unless the repair shop owner can demonstrate that the customer could not reasonably have been notified.
- (j) installing, creating, building or fabricating any false or secret compartment in any motor vehicle. In accordance with Section 4-4-280 of this Code, any licensee who violates this subsection shall be punished for a first offense by a fine of \$500.00 and shall have his license suspended for not less than seven days nor more than 14 days; a second or subsequent offense shall be punished by a fine of \$1,000.00 and shall result in revocation of the license;
- (k) installing or selling any muffler cutout, by-pass, straight pipe or similar device upon a motor vehicle licensed for use on public roads, or installing or selling on any motorcycle licensed for use on public roads any exhaust system or exhaust system component that is not labeled in accordance with Section 205.169 of Title 40 of the Code of Federal Regulations, indicating that the exhaust system or exhaust system component meets federal noise emission requirements for that model of motorcycle. For purposes of this subsection (k), the term "straight pipe" includes a muffler without baffles or any other noise inhibiting device. This subsection may be enforced by the commissioner of consumer services or the commissioner of environment.

City of Chicago Municipal Code § 4-228-040

State Battery Recycling and Fees

Retailers selling lead acid batteries may either charge a recycling fee on each new lead acid battery sold for which the customer does not return a used battery to the retailer, or provide a recycling credit to each customer who returns a used battery for recycling at the time of purchasing a new one. Illinois law does not specifically set the amount of the battery fee, but the fee must be refunded if the customer returns a used battery.

Retailers must also post a notice (at least 8 ½ inches by 11 ½ inches) at their place of business that contains the universal recycling symbol and the following statements:

- "DO NOT put motor vehicle batteries in the trash;"
- "Recycle your used batteries;" and
- "State law requires us to accept motor vehicle batteries for recycling, in exchange for new batteries purchased."

415 ILCS § 5/22.23

Tire Recycling and Disposal (Including Fees)

Since July 1, 1994, whole tires are banned from landfills. Sites with more than 5,000 tires are required to have financial insurance to cover the cost of site cleanup.

Any person who sells new or used tires at retail or operates a tire storage site or a tire disposal site which contains more than 50 used or waste tires shall give notice of such activity to the Agency. The form of such notice shall be specified by the Agency and shall be limited to information regarding the following:

- (1) the name and address of the owner and operator;
- (2) the name, address and location of the operation;
- (3) the type of operations involving used and waste tires (storage, disposal, conversion or processing); and
- (4) the number of used and waste tires present at the location.

Retailers selling tires must accept used tires from customers and collect a \$2.50 fee per new or used tire sold. The fees are to be remitted to the Department of Revenue. Retailers are entitled to keep \$.10 per tire as a collection allowance. The fee must be a distinct item stated separately on invoices. Therefore, it may not be included in the calculation of shop fees. Illinois law provides that the state tire fee and "any such fees collected by a retailer" constitute a debt owed by the retailer to the State. Thus, retailers are prohibited from charging customers additional tire fees.

Any retailer that collects used tires for recycling may not allow the tires to accumulate for a period of more than 90 days. Additionally, retailers must post in a conspicuous place a written notice that conforms to the following requirements:

- The notice is at least 8.5 by 11 inches in size
- The notice includes the universal recycling symbol
- The notice contains the following statements:
 - "DO NOT put used tires in the trash;"
 - "Recycle your used tires;" and
 - "State law requires us to accept used tires for recycling, in exchange for new tires purchased."

415 ILCS §§ 5/55, 5/55.8, and 5/55.9

Repair shops that replace or repair motor vehicle tires must have a contract for the removal and disposal of motor vehicle tires replaced by such motor vehicle repair shop. The contract shall be kept on the premises of the motor vehicle repair shop and be made available for inspection by the city during the repair shop's business hours. The motor vehicle repair shop shall be jointly and severally liable with the repair shop's waste tire transporter and the repair shop's tire disposal contractor for any illegal disposal of the repair shop's tires by such transporter or disposal contractor.

City of Chicago Municipal Code § 4-228-024

Tire facilities (i.e. any business where 100 or more new or used tires are collected, stored, maintained, altered, repaired, changed, prefabricated or disposed at any one time) are required to obtain a license from the Department of Business Affairs and Licensing.

Tire facilities located within a structure must adhere to the following requirements:

- (1) every building which houses a tire facility is classified as a Class H storage unit pursuant to Section 13-56-170 of the Municipal Code. All structures in which tire facilities are located are subject to the height and area limitations of Chapter 13-48 of the Municipal Code;
- (2) facilities where tires are stored below grade must comply with Section 15-16-030(b) of the Municipal Code;
- (3) smoking is prohibited in the room or other enclosure where the tires are stored or disposed of, and appropriate signs indicating the prohibition must be posted;
- (4) the interior of all structures used for tire storage must be secured against unauthorized access;
- (5) all tires shall be stored no less than ten feet from any heat producing appliance;
- (6) tires shall be stacked on a level surface, with no less than three feet in clearance from the top of stackage to any sprinkler, fixtures, structural support, ceiling or roof. Aisles shall be no less than four feet wide. Except for tire storage on metal racks approved under N.F.P.A. Standard 231D, Storage of Rubber Tires, tires shall be stacked in piles no longer than 25 feet and no wider than ten feet.

Tire facilities located on any open site shall adhere to the following requirements:

- (1) tires shall be stacked, in an orderly manner, in piles not to exceed 25 feet in height;
- (2) individual piles shall be separated by a distance of ten feet. No pile shall be closer than four feet to any building. No pile covering a total ground area greater than 100 square feet shall be located closer than 25 feet to a lot line, unless in the determination of the commissioner or his designee a greater or lesser setback is required or sufficient for fire prevention purposes;
- (3) each such facility shall be enclosed by a noncombustible fence, six feet high with not less than two gates, unless bounded by a cement abutment, river, or other body of water. The area around or within the tire piles shall be kept free of rubbish, weeds, grass, or other growth. No oil or other flammable liquid shall be permitted to accumulate on the area around or within the piles. No flame cutting or welding operation shall be conducted within 25 feet of any pile of tires.

City of Chicago Municipal Code § 4-229-010 et seq.

Warranties

If a repair facility provides a warranty on repair parts and labor, the facility must put the warranty in writing and provide a copy to the consumer. The warranty must disclose:

- (1) The nature and extent of the warranty, including a description of parts or service included in or excluded from the warranty;
- (2) The duration of the warranty and the requirements to be performed by the warrantee before the warrantor will fulfill the warranty;
- (3) All conditions and limitations of the warranty and the manner in which the warrantor will fulfill the warranty, such as by repair, replacement, or refund;
- (4) Any options of the warrantor or warrantee; and
- (5) The warrantor's identity and address;

When repair or diagnostic work is performed pursuant to a warranty, a motor vehicle repair facility shall give an estimate of the time to complete the repairs.

815 ILCS § 306/55

All repair work performed by the motor vehicle repair shop and all parts used to perform such repairs shall be warranted for a minimum of 90 days and/or 3,000 miles or there must be a statement on the estimate and invoice to the effect that the work performed or parts supplied by the motor vehicle repair shop are not warranted for such as period.

If a repair shop provides a warranty on repair parts and labor, they must put it in writing and give a legible copy to the customer. The customer's copy of the warranty must contain:

- (1) the nature and extent of the warranty including a description of parts or service included or excluded from the warranty;
- (2) the duration of the warranty and requirements to be performed by warrantee before the warrantor will fulfill the warranty;
- (3) all conditions, limitations and the manner in which the warrantor will fulfill the warranty, such as repair, replacement or refund;
- (4) any options of the warrantor or warrantee; and
- (5) the warrantor's identity and address.

When repair or diagnostic work is performed pursuant to a warranty, the repair shop must give an estimate of time to complete the repairs. The customer shall be furnished with all warranty information as required by the Federal Magnuson-Moss Warranty – Federal Trade Commission Improvement Act (15 U.S.C. Section 2301, et seq.) and regulations issued pursuant to said Act. It is a violation of the Code for a repair shop to fail to honor any warranty or refuse to perform repairs which are covered by warranties provided by the repair shop.

City of Chicago Municipal Code § 4-228-025(o)

Indiana

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Additional Resources

Indiana Department of Environmental Management Compliance Manual for Vehicle Maintenance Shops, available at: http://www.in.gov/idem/catalog/documents/oppta/vehicle_manual.pdf

Advertising

Indiana does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

A customer must be provided with a written estimate if the repair costs are anticipated to exceed \$750. If the cost of the repair exceeds the estimate by more than 10%, written authorization must be obtained from the consumer before the consumer can be charged the additional amount for the repair.

Ind. Code Ann. § 24-5-0.5-3(a)(12);

Filter Recycling and Disposal

Indiana follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. Some municipal landfills have banned used oil filters. Please contact your local municipal landfill to ensure that they accept used oil filters.

40 CFR 261.4(b)(13)

Invoices

No Statutes/Regulations available at this time

Liens

A repair shop may place a lien on a vehicle for valid repair charges that the customer refuses or has not paid.

Ind. Code Ann. §§ 32-33-10-5, 32-33-10-6

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

A repair facility must wait for at least 72 hours (three days) after notifying the consumer that repairs are completed, before disposing of the repaired or replaced part. Additionally, if the consumer requests, repaired or replaced parts must be returned or made available for inspection.

Ind. Code Ann. § 24-5-0.5-3(a)(13)

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Indiana's Deceptive Consumer Sales Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of lead acid batteries must accept from customers used batteries in exchange for new batteries purchased. There is no specified state battery fee.

Each retail establishment selling lead acid batteries must also post in a conspicuous place a written notice (at least 8 ½ inches wide and 11 inches tall) that bears the following statements:

- "Improper disposal of batteries is against the law."
- "It is illegal to put used motor vehicle batteries or other vehicle or boat batteries in the trash."
- "Recycle your used batteries."
- "State law requires us to accept your used battery for recycling if you purchase a new battery from us."

Ind. Code Ann. §§ 13-20-16-1, 13-20-16-2

Tire Recycling and Disposal (Including Fees)

Waste tires may not be disposed of in a landfill. A person that is the source of more than twelve (12) waste tires per year, including tire retailers, auto salvagers, and sellers of used tires, shall:

- (1) retain a copy of manifests received from a waste tire transporter under IC 13-20-14-5 for at least one (1) year; and
- (2) make a copy of the manifests available to the department upon request.

Burns Ind. Code Ann. §§ 13-20-14-1, 13-20-14-5.3

Waste tire storage sites must register in Indiana and comply with various other requirements (see Indiana Administrative Code, Title 329, Article 15 for entire details). "Waste tire storage sites" are sites where at least:

- (1) one thousand (1,000) waste tires are accumulated outdoors or within a structure that is not completely enclosed; or
- (2) two thousand (2,000) waste tires are accumulated indoors within a completely enclosed structure.

329 IAC §§ 15-2-13.4, 15-3-3

Indiana law requires sellers of new tires to accept waste tires in return for new tires and collect from customers a \$.25 fee per tire sold. The fee is to be paid to the Department of State Revenue at the same time and in the same manner as the seller pays the state gross retail tax. There is no express prohibition against including it in calculating shop fees. An additional charge may not be imposed on consumers for accepting waste tires.

Each retail establishment selling new tires must also post in a conspicuous place a written notice (at least 8 ½ inches wide and 11 inches tall) that bears the following statements:

- "Do not put waste tires in the trash."
- "Recycle your waste tires."
- "State law requires us to accept your waste tires for recycling or proper disposal if you purchase new tires from us."

Ind. Code Ann. §§ 13-20-13-7, 13-20-14-2, 13-20-14-3

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Advertising

Iowa does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates (Authorization)

Written Authorization: (Iowa Code § 537B.3)

If a consumer authorizes, in writing, repairs or service upon a motor vehicle prior to the commencement of the repairs or service, a conspicuous disclosure in substantially the following language must appear on the authorization form or on a separate form provided to the consumer at the time of the authorization:

ESTIMATE YOU HAVE THE RIGHT TO A WRITTEN OR ORAL ESTIMATE IF THE EXPECTED COST OF REPAIRS OR SERVICE WILL BE MORE THAN FIFTY DOLLARS. YOUR BILL WILL NOT BE HIGHER THAN THE ESTIMATE BY MORE THAN TEN PERCENT UNLESS YOU APPROVE A HIGHER AMOUNT BEFORE REPAIRS ARE FINISHED. INITIAL YOUR CHOICE:

Written estimate.

Oral estimate.

No estimate.

..... Call me if repairs and service will be more than \$

Additionally, the authorization form must contain the following information:

- The date;
- The supplier's name;
- The consumer's name and telephone number; and
- The reasonably anticipated completion date.

If a written estimate is requested, the supplier may write the estimate on the authorization form or on another form. If the required repairs are unknown at the time the estimate is given, the supplier must state an hourly labor charge for the work. A copy of the written estimate must be provided to the customer upon request.

Verbal Authorization: (Iowa Code § 537B.3)

If a consumer orally authorizes the repairs or services, suppliers must inform the consumer of the right to receive a written or oral estimate prior to commencement of the repairs or services. The supplier must write down the consumer's response on an authorization form in compliance with the requirements listed above.

Estimates (Other)

Aftermarket Parts: (Iowa Code § 537B.4)

Repair facilities may not use aftermarket crash parts in the repair of a customer's motor vehicle without disclosing the proposed use of such parts in the estimate of repairs given to the customer prior to the repair of the motor vehicle. The estimate shall be in writing and shall clearly identify each part proposed to be used that is an aftermarket crash part. The following information shall appear in ten point type, or larger, on or attached to the estimate:

"This estimate has been prepared based on the use of aftermarket crash parts supplied by a source other than the manufacturer of your motor vehicle. Any warranties applicable to these replacement parts are provided by the manufacturer or distributor of these parts rather than the manufacturer of your vehicle."

Additional Repairs: (Iowa Code § 537B.6)

Suppliers must obtain written or oral authorization for the anticipated cost of any additional, unforeseen, but necessary repairs or services when the cost of such repairs or services amount to more than 10%, excluding tax, of the original estimate.

If the supplier did not provide the customer with an estimate because the original cost of repairs or services was less than \$50, and additional repairs or services are needed, the supplier must obtain written or oral authorization for any additional repairs if the total cost will exceed \$50.

Teardown: (Iowa Code § 537B.6)

Prior to the commencement of any repairs or services, suppliers must disclose that a charge will be made for disassembly, reassembly, partially completed work, or any other work not directly related to the actual performance of the repairs or services. Such charges must also be directly related to the actual amount of labor or parts involved in the inspection, repair, or service.

Filter Recycling and Disposal

A business that generates used oil filters or accepts used oil filters from a person may not dispose of the used oil filters in a sanitary landfill and shall source separate and recycle the used oil filters. Any person accepting used oil filters from customers shall comply with the following requirements:

- (1) The used oil filters shall be collected, stored and transported in a container designed and maintained to prevent the spillage or discharge of used oil from the filters;
- (2) The collection container shall be located on an impervious surface engineered to contain spills;
- (3) The collection container shall be protected from inclement weather;
- (4) The collection container shall be clearly labeled "used oil filters;"
- (5) Used oil filter collectors shall comply with Iowa Code section 455B.386 when actual or imminent oil spills pose a threat to the public health or the environment; and
- (6) Absorbent material shall be available at the site for use by the operator to control spillage or discharge of used oil from the used oil filters.

Iowa also requires retailers that sell household hazardous products (including both motor oil, oil additives and oil filters) to display consumer information booklets on the proper use, disposal and emergency information regarding household hazardous products. Retailers also are required to display signs with information on hazardous products. Consumer information booklets and signs are made available free from the IA Department of Natural Resources. A retailer can prepare its own literature as long as the language is identical to the DNR's. As a first option, the State of Iowa urges everyone to recycle oil filters. The DNR publishes an Automotive Products Directory that lists recycling sites, transporters and processors for oil filters.

567 IAC 119.1 et seq. (455D,455B)

Invoices

Consumers must be provided with an itemized list of repairs performed or services rendered, including:

- A list of parts or materials;
- The cost of all parts or materials;
- A statement of whether parts are used, remanufactured or rebuilt, if not new;
- The amount charged for labor; and
- The identity of the individual performing the repair or service.

Additionally, upon request by a customer, suppliers must provide the customer with a receipt for any motor vehicle or part of a motor vehicle left with the shop.

The receipt must include:

- The identity of the supplier that will perform the repair or service;
- The name and signature of the supplier or a representative who actually accepts the motor vehicle or any part of the motor vehicle;
- A description including make and model number or other features as will reasonably identify the motor vehicle or any part of the motor vehicle to be repaired or serviced; and
- The date on which the motor vehicle or any part of the motor vehicle was left with or turned over to the supplier.

Iowa Code § 537B.6

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

Suppliers must return to the consumer any replaced parts, unless one of the following applies:

- The parts are to be rebuilt or sold by the supplier, or
- The parts are to be returned to the manufacturer in connection with warranted repairs or services.

Such intended reuse or return must be made known to the consumer prior to commencing any repair or service.

Iowa Code § 537B.6

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Iowa's Motor Vehicle Service Trade Practices Act and Consumer Fraud Act, which generally prohibit unconscionable or deceptive practices in a transaction with a customer or potential customer. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Iowa does not have a mandatory battery fee. Retailers are, however, required to accept used lead acid batteries from customers who purchase new lead acid batteries. Additionally, retailers must post a written notice indicating that land disposal of lead acid batteries is prohibited and that state law requires the retailer to accept lead acid batteries for recycling when new lead acid batteries are purchased.

Iowa Code § 455D.10

Tire Recycling and Disposal (Including Fees)

Land disposal of waste tires, in whole, cut, or shredded form, is prohibited. Waste tires shall be accepted at a permitted sanitary landfill for final disposal if the tires have first been cut into pieces that are not more than 18 inches on any one side. Business or individuals that store more than 500 passenger tire equivalents or temporarily store more than 1500 passenger tire equivalents must obtain a permit for a waste tire stockpile.

567 IAC 117.3-117.4

Iowa does not have a mandatory state tire fee. Although not expressly prohibited by Iowa law, retail tire dealers are discouraged from adding tire disposal fees as a separate charge on sales invoices. Instead, the Iowa statute encourages dealers to include the fee within the sales price of new tires. Although not expressly stated, it is reasonable to assume that the practice of including tire disposal fees in the general category of shop fees is also discouraged.

Iowa Code § 455D.11G

Kansas

Additional Notices/Disclosures

If after market parts will or may be used for a repair, the following statement must be provided to the customer in writing in 10 point or larger type:

"THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE AFTER MARKET PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE PARTS ARE PROVIDED BY THE PARTS MANUFACTURER OR DISTRIBUTOR RATHER THAN BY THE MANUFACTURER OF YOUR VEHICLE."

K.S.A. § 50-662

Advertising

Kansas does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

No Statutes/Regulations available at this time

Filter Recycling and Disposal

Kansas follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 24 hours.

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

No Statutes/Regulations available at this time

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Kansas's Unfair Trade and Consumer Protection Act, which generally prohibits unconscionable or deceptive practices in a transaction with a customer or potential customer. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

No Statutes/Regulations available at this time

Tire Recycling and Disposal (Including Fees)

Tire retailers must accept as many used tires from its customers as the customers purchase from the retailer. Disposal of whole waste tires in landfills is prohibited. Tires may be disposed of in landfills if cut into sufficiently small pieces. The following methods are acceptable:

- (1) shredding;
- (2) cutting in half along the circumference;
- (3) cutting into at least four parts, with no part being greater than 1/3 of the original tire size;
- (4) chipping;
- (5) crumbing;
- (6) baling in a manner that reduces the volume of the waste tires by at least 50%; or
- (7) using an equivalent volume-reduction process that has received prior approval, in writing, from the secretary.

Retailers of new tires must charge customers an excise tax of \$.25 per vehicle tire sold. Such tax shall be paid to the Department of Revenue as follows:

- Total amount of taxes collected by the retailer is less than \$80- file annual return on or before January 25th of the following year.
- Total amount of taxes collected by the retailer does not exceed \$1600- file returns quarterly on or before the 25th day of the month following the end of each calendar quarter.
- Total amount of taxes collected by the retailer exceeds \$1600- file a return for each month on or before the 25th day of the following month.

Kansas law does not expressly prohibit charging an additional fee for tire disposal or including such a fee in calculating shop fees.

Tire retailers must also prominently display or make available to customers educational materials provided by the Department of Health and Environment and Department of Revenue relating to proper waste tire management practices.

K.S.A. §§ 65-3424d, 65-3424i; K.A.R. § 28-29-29

Warranties

Attempts to limit warranties in consumer transactions are violations of the Consumer Protection Act. The Act does not specifically address vehicle repairs.

Kentucky

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Additional Resources

Auto Repair Shop Waste Management Guide: <http://www.waste.ky.gov/NR/rdonlyres/F21A3B4F-3D14-478F-A736-DB3356F46536/0/autorep.pdf>

Advertising

Kentucky does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

No Statutes/Regulations available at this time

Filter Recycling and Disposal

Kentucky allows two types of management options for used oil filters.

The first and the preferred option is recycling. If a used filter is recycled, it is not regulated as hazardous waste. Handlers and transporters do not need a permit to manage used filters if the filters are destined for recycling. The used oil collected during crushing and draining of filters does not have to be managed as a hazardous waste if the used oil is managed properly and is recycled.

The second option is disposing of the used filters in a landfill. The following conditions must be met for landfill disposal:

- (1) the landfill accepts the used the filters;
- (2) the used oil is removed from the filter by either crushing, splitting or other process and the filter is allowed to drain until no oil flows freely from the filter;
- (3) the residual oil passes a TCLP test. (Limited quantity hazardous waste generators are exempt produce less than 100 kg (220 lbs.) per month); and
- (4) the processed filters pass the paint filter test.

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

No Statutes/Regulations available at this time

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Kentucky's Consumer Protection Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retail sellers of lead acid batteries must accept one used lead acid battery from customers for each new battery sold. There is no mandatory state battery fee, but Kentucky law does not expressly prohibit charging the customer a refundable deposit if the customer does not give the retailer an old battery when purchasing a new one.

Retailers must also post a notice at the place of sale indicating that they are required to accept, if offered, a used lead acid battery for each new battery sold.

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Kentucky's Consumer Protection Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

KRS § 224.50-413

Tire Recycling and Disposal (Including Fees)

Tire retailers and accumulators can transfer waste tires only to registered transporters or authorized facilities. Receipts are required. Only tires "rendered suitable for disposal" may be disposed of in landfills. Retailers of new tires may accumulate up to 1000 waste tires without registering as an accumulator, provided the tires are stored in accordance with Kentucky law.

Retailers must accept used tires in exchange for new tires purchased and charge customers a state tire fee of \$1 per new tire sold. The fee does not apply to recapped tires. These fees should be remitted to the Department of Revenue on or before the 20th day of each month. Retailers may keep 5% of the fees collected as a handling fee.

Kentucky law does not expressly prohibit charging an additional fee for tire disposal or including either in the calculation of shop fees.

Retailers must also post a notice in the area where sales are made indicating the following:

- State law requires the retailer to accept, if offered, a waste tire for each new motor vehicle tire sold;
- Persons purchasing a new motor vehicle tire to replace another tire must comply with KRS § 224.50-868(2) regarding the disposal of the used tire;
- The following statement word-for-word: "Law requires a new tire buyer to pay one dollar (\$1) for each new tire purchased. The money is collected and used by the state to oversee the management of waste tires, including cleaning up abandoned waste tire piles and preventing illegal dumping of waste tires."

KRS §§ 224.50-856, 224.50-868, 224.50-874

Warranties

No Statutes/Regulations available at this time

Louisiana

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Advertising

Louisiana does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

No Statutes/Regulations available at this time

Filter Recycling and Disposal

Louisiana follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. Rather than disposal, the LA Department of Environmental Quality encourages generators to recycle crushed and drained filters.

40 CFR 264.1(b)(13); LAC § 33:V.105(D)(2)(n)

Invoices

Upon completion of repairs the customer must be given an invoice, a copy of which the repair shop must keep for its records. The invoice is required to include:

- A description of all work performed, including any warranty work;
- An itemization of all parts supplied;
- A clear statement of what new original or non-original manufacturer parts, or used, rebuilt or reconditioned parts were used, including any component system part; and
- The vehicle's identification number, make, model and mileage.

La. R.S. § 32:535.1

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

Repair shops are required to return all replaced parts to the customer once the repair is completed unless the parts are required to be returned to the manufacturer or distributor pursuant to a warranty agreement. If the parts are required to be returned to the manufacturer or distributor, then the repair shop must offer to allow the customer to inspect the part after the work is completed. The two exceptions to the requirement to return parts to a consumer are if

- 1) there is no charge for the replacement part; or
- 2) the damage to the part is apparent to the customer.

La. R.S. § 32:535

Record Retention

The motor vehicle repair shop shall retain a copy of the written invoice provided to the customer. The law does not specify how long the records must be maintained. Violations of any part of the Act shall be subject to a fine of not more than \$100

La. R.S. § 32:535.1

Shop Fees



There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Louisiana's Unfair Trade Practices Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retail sellers of lead acid batteries must accept one used lead acid battery from customers for each new battery sold. There is no mandatory state battery fee. Additionally, the following notice, which must be at least 8.5 inches by 11 inches in size, must be conspicuously posted by retailers:

"It is illegal to discard a motor vehicle battery or other lead acid battery. Recycle your used batteries. State law requires us to accept used motor vehicle batteries or other lead acid batteries for recycling, in exchange for new batteries purchased."

La. R.S. § 30:2420

Tire Recycling and Disposal (Including Fees)

The Department of Environmental Quality has formulated regulations for scrap tire recycling. The current regulations include:

- (1) manifest and reporting requirements;
- (2) site notification requirements;
- (3) permitting requirements for transporters and waste tire collection storage, recycling and disposal sites;
- (4) tire dealer responsibilities; and
- (5) provisions for a \$2 per tire fee on retail sale.

As of January 1990, tires must go to a permitted recycling or solid waste disposal facility or to waste tire collection sites. Since January 1, 1991, whole tires cannot be disposed in landfills. They must be cut or shredded prior to disposal.

Louisiana has established the following post-tax state tire fees:

- Passenger or Light Truck Tires - \$2 per tire
- Medium Truck Tires - \$5 per tire
- Off-Road Tires - \$10 per tire
- Recapped or Retreaded Tires- \$1.25 per tire

The fees are to be collected by tire dealers upon the sale of each tire and remitted to the Office of Management and Finance, Financial Services Division ("Division") on or before the 20th day following the month in which the fees were collected. Dealers must also submit a monthly Waste Tire Fee Report on or before the 20th day of each month for the previous month's activity. The fee charged to customers is post-tax and must be listed as a separate line on the retail sales invoice. Therefore, it cannot be included in calculating shop fees. Furthermore, charging an additional tire fee is prohibited.

Additionally, dealers must post a notice (made available by the Division) with the following statements:

- "It is unlawful for any person to dispose, discard, burn, or otherwise release waste tires to the environment in a manner in contravention to the Louisiana Solid Waste Regulations. A fine of up to \$ 25,000 per day per violation may be imposed on any company or individual who violates these rules and regulations."
- "All Louisiana tire dealers, other than qualified scrap or salvage yard tire dealers selling tires salvaged from a Louisiana-titled vehicle, are required to collect a waste tire cleanup and recycling fee of \$ 2 for each passenger/light truck tire, \$ 5 for each medium truck tire, and \$ 10 for each off-road tire, upon sale of each tire. These fees shall also be collected upon replacement of all recall and adjustment tires. Tire fee categories are defined in the Waste Tire Regulations. No fee shall be collected on tires weighing more than 500 pounds or solid tires. This fee must be collected whether or not the purchaser retains the waste tires. Tire dealers must accept from the purchaser, at the time of sale, one waste tire for every tire sold, unless the purchaser elects to retain the waste tire."
- "Qualified scrap or salvage yard tire dealers are only exempt on tires salvaged from Louisiana-titled vehicles through June 30, 2008. Any new or used tires sold by qualified scrap or salvage yard tire dealers that are not salvaged from Louisiana-titled vehicles shall have the appropriate fees collected upon the sale."

La. R.S. §§30:2412, 30-2418; LAC § 33:VII.10519

Warranties



No Statutes/Regulations available at this time

Maine

Additional Notices/Disclosures

A repair shop may not install a part that is used, reconditioned or rebuilt unless the customer specifically agrees prior to its installation.

A repair shop must post in a place likely to be seen by customers the following information:

"NOTICE TO OUR CUSTOMERS REQUIRED UNDER STATE LAW

Before we begin making repairs, you have a right to put in writing the total amount you agree to pay for repairs. You will not have to pay anything over that amount unless you agree to it when we contact you later.

Before you pay your bill, you have a right to inspect any replaced parts. You have a right to take with you any replaced parts, unless we are required to return the parts to our distributor or manufacturer.

We cannot install any used or rebuilt parts unless you specifically agree in advance.
You cannot be charged any fee for exercising these rights.

WE CHARGE \$ _____ PER HOUR FOR LABOR.
(We round off the time to the nearest _____.)

The current edition of the National Automobile Dealer's Association Official Used Car Guide New England Edition is available for your review upon request."

The sign must be completed with information on charges and printed so that it is conspicuous and can be read by the average person. If the shop charges a flat rate for a service then the following notice must also be posted:

"We also charge a flat rate for some repairs. Our service manager will explain what a flat rate is and show you how much it may cost you. A flat-rate charge may not match the time actually spent repairing your vehicle.

PLEASE ASK US WHETHER WE WILL CHARGE YOU BY THE HOUR OR BY A FLAT RATE."

29-A M.R.S. §§ 1804-05

Advertising

Maine does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply. Additionally, it is unlawful to sell items at below cost with the intent to injure competitors.

Me. Rev. Stat. Ann. Tit.10 §§ 1204-A, 1207

Estimates

Maine does not have specific estimate requirements; however, a customer may specify in writing a maximum dollar amount that the he or she is willing to pay for a repair. The customer must do this in writing. If the repair cost will be in excess of this ceiling amount, then the shop must first obtain oral or written approval before the customer is liable for the additional cost for the repair.

Repair facilities may not install any used, reconditioned or rebuilt parts unless the customer agrees in advance.

29-A M.R.S. §§ 1802, 1804

Filter Recycling and Disposal

Maine follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. Filters being disposed of must not fail TCLP testing. In lieu of testing, the generator can use the rebuttable presumption that the filters are non-hazardous through his/her knowledge of the filter use.

40 CFR 264.1(b)(13)

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

Effective October 1, 2007, a premium is imposed on all motor vehicle oil changes in Maine. The premium is \$1 per oil change if the vehicle gross weight is less than 10,000 lbs; \$2 if the gross weight is 10,000 lbs to 25,999 lbs; and \$3 per oil change if the gross weight is 26,000 lbs or more.

A "motor vehicle oil change" is defined as "the changing of any lubricating oil classified for use in an internal combustion engine, transmission, gearbox, differential or hydraulics in a motor vehicle." 10 M.R.S.A. § 1020(1)(E). Any person engaged in the service of providing changes of any of the above-mentioned lubricating oils must pay the premiums to the State Tax Assessor.

10 M.R.S. § 1020(6)

Parts Return

Before a repair shop can demand payment for any charge, it must first allow a customer to inspect replaced parts and if the customer requests, return the replaced parts to the customer. However, the shop is not required to return the replaced parts to the customer if the shop is under an obligation to return replaced parts to the manufacturer or distributor pursuant to a warranty or exchange agreement.

29-A M.R.S. § 1803

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Maine's Motor Vehicle Repair Law and Maine's Unfair Trade Practices Act, which generally prohibit unconscionable or deceptive practices in a transaction with a customer or potential customer. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

A "recycling assistance fee" of \$1 per tire is imposed on the retail sale of new lead acid batteries. The recycling fee is to be remitted to the State in the same manner as sales and use tax (Form ST-7). Because the fee is imposed post-tax, sellers may not mark-up the state battery fee or including the fee in the calculation of shop fees.

Additionally, a person selling or offering for retail sale lead acid batteries must accept, at the point of transfer, used lead acid batteries from customers in a quantity at least equal to the number of new batteries purchased. If a used lead acid battery is not exchanged at the time of sale, the seller must collect a \$ 10 deposit on the new battery. The deposit shall be returned to the customer when the customer delivers a used lead acid battery within 30 days of the date of sale. All funds received by a dealer as a deposit on a lead acid battery shall be held in trust and separately accounted for by the retailer. Any interest on those funds shall inure to the benefit of the retailer. Annually on July 1st, all deposits not returned to customers in exchange for lead acid batteries during the previous year ending June 30th shall inure to the benefit of the retailer.

Sellers of new batteries must also post an 8 1/2 " x 11" written notice that includes the display of the universal recycling symbol and the following language:

- "State law requires us to accept motor vehicle batteries or other lead acid batteries for recycling in exchange for new batteries purchased."
- "A deposit of \$ 10 will be charged for each new lead acid battery that is not exchanged with an old lead acid battery."
- "It is illegal to dump, bury or incinerate a motor vehicle lead acid battery or other lead acid battery."
- "Recycle your used batteries."

36 M.R.S.A. § 4832; 38 M.R.S.A. § 1604

Tire Recycling and Disposal (Including Fees)

A permit is required if the tire storage area is greater than 10,000 square feet. No whole tires in landfills.

A "recycling assistance fee" of \$1 per tire is imposed on the retail sale of new tires. Retread tires are considered used tires and are not subject to the fee. The recycling fee is to be remitted to the State in the same manner as sales and use tax (Form ST-7). The fee is not included in the sales price of the tire and, therefore, is not subject to sales tax. As such, it cannot be included in calculating shop fees. However, there is no express prohibition against charging an additional fee for tire disposal or including such a fee in calculating shop fees.

36 M.R.S. §§ 1752, 4832; 38 M.R.S. § 1316-L

Warranties

No Statutes/Regulations available at this time

Maryland

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Optional Posting of Miscellaneous Charges [Montgomery County Code § 31A-11(a)(4)]

No miscellaneous charges, such as shop materials or supplies, may be charged unless the consumer is given reasonable notice at the time the vehicle is brought in. The notice must include how the miscellaneous fees are calculated. A shop meets this requirement if it posts a sign stating charge(s) will be made and the method of computation, in a conspicuous place at the point where vehicles are normally received for repair. If the customer is charged for these fees, the fees must appear on the invoice

Notice With Estimated Completion Date (Montgomery County Code § 31A-12)

If the customer requests, the shop must give the customer a written estimated completion date for repairs or disclose that the completion date is undeterminable. The shop does not incur any liability if the completion date is missed, provided the delay is caused by an act of God, strike, unexpected illness or unexpected shortage of labor or parts.

Notice of Right to Estimate (Montgomery County Code § 31A-14)

All shops are required to give reasonable notice of the customer's right to an estimate. This can be accomplished through the posting of a sign in a conspicuous location where vehicles are normally received for repair. The sign must be two feet by three feet and state: "Under the provisions of the Montgomery County Code, all customers are entitled to a written estimate upon request before repair work over \$25 is begun and this business must comply with that law."

Notice of Storage Charges (Montgomery County Code § 31A-14)

A shop must give reasonable notice of its policy on storage charges before it can charge storage charges. This notice is accomplished if the shop posts a sign in a conspicuous location where vehicles are normally received for repair that states its storage policy. No storage charges can begin to accrue until 24 hours after the customer has been notified that the vehicle is ready for pick up.

Advertising

Maryland does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Montgomery County, Maryland does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

A written estimate is required for any repair job exceeding \$50.00. The repair shop may charge the customer for the estimate, provided the fee is disclosed to the customer before the estimate is compiled.

An estimate must contain:

- (1) the estimated completion date;
- (2) the price for labor and parts; and
- (3) any surcharges.

A shop may not charge a customer an amount that exceeds the written estimate by more than 10% without the customer's prior consent. The shop is not responsible to the consumer for a delay in the estimated completion date if the delay was caused by an act of God, strike, unexpected illness, or unexpected shortage of labor or parts. A customer may not be charged for repairs that he or she did not authorize.

Before beginning repair work on a vehicle, the shop must give the customer a copy of a form authorizing the estimated repairs that must contain a disclosure of the customer's consumer protection rights:

- A customer may request a written estimate for repairs that cost in excess of \$50;
- A customer may not be charged any amount ten percent in excess of the written estimate without the customer's consent;
- That the customer is entitled to the return of any replaced parts except when parts are required to be returned to the manufacturer under a warranty agreement; and
- That repairs not originally authorized by the customer may not be charged to the customer without the customer's consent.

The disclosure must be labeled "Customer's Rights." It must be conspicuous, in easily readable type and printed immediately before the customer's signature space as well as be physically separated from the other terms of the form. A shop may notify the customer orally of their rights if the customer's vehicle was towed into the shop or the customer dropped the vehicle off when the shop was closed. If the customer is given the disclosure orally, the shop must notate the name of the person notified, the date and time of the notification and be signed by the person who made the notification.

Crash Parts (Md. COMMERCIAL LAW Code Ann. § 14-2302)

If using crash parts, the repair shop must indicate what crash parts it intends to use and whether the crash parts are aftermarket crash parts. If aftermarket crash parts are used, the shop must include the following statement in its estimate:

"THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET CRASH PARTS THAT ARE NOT MANUFACTURED BY THE ORIGINAL MANUFACTURER OF THE VEHICLE OR BY A MANUFACTURER AUTHORIZED BY THE ORIGINAL MANUFACTURER TO USE ITS NAME OR TRADEMARK. THE USE OF CERTAIN AFTERMARKET CRASH PARTS MAY MODIFY THE ORIGINAL MANUFACTURER'S WARRANTY ON THE CRASH PARTS BEING REPLACED. UPON REQUEST OF THE CUSTOMER, THE BODY SHOP SHALL PROVIDE, IF AVAILABLE, A COPY OF ANY WARRANTY FOR AN AFTERMARKET CRASH PART USED."

This notice on this estimate must be made in a clear and conspicuous manner using 10-point capital type.

Md. COMMERCIAL LAW Code Ann. §§ 14-1002, 14-1006, 14-1008; 14-2302

A written estimate is required only if the customer requests an estimate and the total amount of repairs will exceed \$25. If repair costs will exceed the estimate by more than 10%, the consumer must provide consent for the additional repairs before they can be charged to the consumer. The consumer's consent must be documented in writing. If the consumer chooses to cancel the repair order, the vehicle must be released expeditiously in as close as possible to the same condition as when it was dropped-off. If services must be performed on the vehicle to return it to this state, then a reasonable amount may be charged for this service.

A written estimate must include:

- The name and address of the vehicle owner;
- The vehicle's make, year and tag number;
- The vehicle's odometer reading;
- The total estimated cost of all parts, which should be specifically identified;
- Labor costs and the method used to compute them;
- Incidental service charges;
- Charges, if any, for the release of the vehicle in the event that the vehicle is not repaired;
- Charges, if any, for making the estimate. A repair shop may not charge for an estimate unless the charge is disclosed prior to beginning the needed diagnostics; and
- Any express warranty of parts or workmanship.

A repair shop may not use an estimate prepared by another shop or person. A shop has the responsibility to exercise their independent judgment regarding the work to be performed and the cost associated with that work. If after an independent review of the vehicle, the shop agrees with the previous estimate, they may incorporate the previous estimate by writing "adopted," "accepted," "incorporated" or a similar word on the previous estimate.

Montgomery County Code § 31A-10

Filter Recycling and Disposal

Maryland follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 264.1(b)(13)

No Statutes/Regulations available at this time

Invoices

Once the repair shop completes all repairs, the shop must provide the customer with an invoice. The invoice must contain:

- A list of all work performed;
- A list of all parts supplied; and
- A description of any used, rebuilt or reconditioned parts used in the repair.

In addition to these requirements the Assurance also requires additional disclosures for brake and transmission services, which are discussed above.

Md. COMMERCIAL LAW Code Ann. § 14-1003

All repair jobs must be accompanied with an invoice describing the work that was performed on the vehicle and listing all parts supplied and that exact charge for each part or service (unless the total charge is less than \$15.00). Additional invoice requirements are:

- Name and address of the owner of the vehicle;
- Make of the vehicle;
- Tag number;
- Odometer reading;
- Specify if any used or rebuilt parts were used in a clear and conspicuous manner;
- The part's number of all parts replaced or installed. Except where parts have a warranty of 90 days or more, invoices shall include the brand name and parts number of all parts replaced or installed;
- A listing of any miscellaneous charges (see other Notice Disclosures, below)
- How labor charges are calculated;
- The name, initials or number of the mechanic(s) who performed the work;
- The registration number of the shop;
- A statement that the repairs were needed and were performed. A statement that the repairs were needed is not required when repairs are specifically requested by the consumer or approved by the customer upon recommendation by the shop;
- The signature of the person registered with the county, the shop manager or his designee, who shall verify that the vehicle has been tested or test driven when needed and that in his opinion the mechanic's work was performed satisfactorily. The consumer may waive in writing this requirement;
- The customer's instructions or descriptions of the symptoms regarding his vehicle's needs and the shops diagnosis of the problem(s) (In the alternative, this statement may appear on the work order);
- Any express warranty on parts or workmanship.

Montgomery County Code § 31A-11

Other Mandatory State Fees

No Statutes/Regulations available at this time

No Statutes/Regulations available at this time

Parts Return

A repair shop must offer to return all replaced parts to the customer. The exception is if the shop is required to return the part to the manufacturer or distributor under a warranty agreement.

Md. COMMERCIAL LAW Code Ann. § 14-1004

The shop must return all replaced parts to the consumer. The only exceptions are if the manufacturer or distributor requires that parts be returned to them pursuant to a warranty agreement or the consumer provides oral or written consent to dispose of the parts.

Montgomery County Code § 31A-13

Record Retention

No Statutes/Regulations available at this time

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Maryland's Motor Vehicle Repair Law and Maryland's Unfair Trade Practices Act, which generally prohibit unconscionable or deceptive practices in a transaction with a customer or potential customer. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

There is no specific prohibition against collecting shop fees in any amount. However, no miscellaneous designations such as "shop materials" or "shop supplies" may be used on the invoice unless the customer is given reasonable notice at the time he brings his vehicle in for service of the method of computation for the charge. A shop meets this requirement if it posts a sign stating charges will be made and the method of computation, in a conspicuous place at the point where vehicles are normally received for repair.

Montgomery County Code § 31A-11

State Battery Recycling and Fees

No Statutes/Regulations available at this time

No Statutes/Regulations available at this time

Tire Recycling and Disposal (Including Fees)

COMAR 26.04.08 (1992) contains regulations covering storage, collection, transferring, hauling, recycling, and processing of scrap tires. Tires are banned from all Maryland landfills after January 1, 1994. Scrap tire collection facilities must obtain a license by filling out a prescribed application form. Collection facilities are classified as "primary" (i.e. more than 1500 scrap tires are accumulated at any one time) and "secondary" (i.e. between 51 and 1500 scrap tires are accumulated at any one time). See regulations for more info regarding conditions, standards, and other requirements of collection facilities.

Tire wholesalers and retailers must register and pay a tire recycling fee of \$.80 on each new tire sold in Maryland. However, the fee only applies to the first sale of the tire in Maryland. The fees are to be paid to the Comptroller of the Treasury on or before the 21st day of the month following the month in which the sale was made. Retailers may retain .6% of the fee to cover administrative costs.

Although Maryland law prohibits local municipalities from charging an additional tire fee, there is no express prohibition against businesses marking-up the fee or charging additional tire disposal fees. Retailers are not required to state the fee as a separate line item on an invoice. Thus, there is no express prohibition against including the fee in calculating shop fees. However, the tire recycling fee is not subject to any tax if it is separately stated on the invoice.

Additionally, retailers must comply with Maryland's general Consumer Protection Act, which prohibits unfair and deceptive trade practices. As discussed above, any time a state tire fee is marked-up, it would likely be an unfair and/or deceptive act to represent or imply that the entire fee is a mandatory state recycling fee. Similarly, if the tire retailer is not responsible for paying the tire recycling fee because the sale is not the first one in the state, it would be unfair and/or deceptive to tell a customer or infer that any fees charged are state tire recycling fees.

Md. ENVIRONMENT Code Ann. § 9-228; COMAR 26.04.08.01 et seq.

No Statutes/Regulations available at this time

Warranties

No Statutes/Regulations available at this time

No Statutes/Regulations available at this time

Massachusetts

Additional Notices/Disclosures

Prior to obtaining oral or written authorization to perform repairs on the customer's vehicle, the customer must be informed of the conditions under which the repair shop may impose storage charges (daily or hourly rate) and the amount of any charge to the customer for an estimate or diagnosis. A repair shop can comply with these requirements by displaying such information in a clear and conspicuous manner on the repair shop's premises.

940 CMR 5.05(4)(a),(c)

Advertising

Motor vehicle repair shops must include their certificate of registration number in all advertisements in Massachusetts. Additionally, the state's general consumer protection advertising requirements apply.

ALM GI ch. 100A § 8

Estimates (Authorization)

Authorization Requirements [940 CMR 5.05(3)]

Unless the customer's motor vehicle is delivered to the shop before or after its usual business hours, authorization must be obtained in one of the following ways:

- Written authorization signed by the customer listing the specific repairs to be performed and the total price to be paid for such repairs, including parts and labor; or
- Written authorization signed by the customer listing the specific repairs to be performed and the charges for such repairs, including parts and labor, are displayed in a clear and conspicuous manner on the premises of the repair shop; or
- If the repair shop is unable to obtain written authorization from the customer to perform specific repairs (as when the specific repairs to be performed on the vehicle are not known at the time the vehicle is delivered to the repair shop), the repair shop notifies the customer, prior to commencing any repairs, of the specific repairs to be performed on the vehicle and the total price to be charged the customer for such repairs, including parts and labor, and obtains the customer's authorization to perform such repairs; or
- A written waiver (prior to the commencement of repairs or services), in the following form, executed by the customer in a knowing, voluntary and intelligent manner:

Waiver

I understand that I have the right to know before authorizing any repairs what the repairs to my car will be and what their cost will be. You need not obtain approval from me for repairs or inform me prior to performing repairs what the repairs are or their cost, if the total amount for repairs does not exceed \$.

SIGNATURE

Such waiver may be included as part of a repair order provided, however, that such waiver is printed in clear and conspicuous type and that its execution may only be accomplished by the customer's signature separate from that appearing elsewhere on the order.

If the customer delivered the motor vehicle to the shop before or after its usual business hours, the shop must comply with the oral authorization requirements below.

Oral Authorization [940 CMR 5.05(5)]

Any time oral authorization is permitted, the repair shop must maintain written records containing the following information:

- The date and time the authorization was received;
- The name of the repair shop employee receiving the oral authorization and the name of the person making the authorization;
- A statement of the exact authorization received; and
- If the authorization was received over the telephone and the repair shop placed the call, the telephone number called.

Estimates (Pre-Work Documentation)

Prior to commencing repairs on a customer's vehicle, the following information must be recorded in writing:

- The name and address of the customer and a telephone number at which the customer may be reached;
- The date and approximate time the customer's vehicle was delivered to the repair shop;
- The year, make and registration number of the customer's vehicle;
- The odometer reading on the customer's vehicle; and
- The specific repairs requested by the customer, or, if the customer has not requested specific repairs, a brief description of the problems the customer has encountered with the vehicle which caused him to bring it to the repair shop.

940 CMR 5.05(2)

Filter Recycling and Disposal

Massachusetts does not consider used oil filters to be hazardous if they are managed in one of the following ways:

- (1) the anti-drain back valve or the dome end of the filter is punctured and hot drained for at least 12 hours;
- (2) the filter is drained and crushed so that no free flowing oil remains; or
- (3) the filter is drained and dismantled; and
- (4) all collected used oil is managed as a hazardous waste.

If a generator does any one of the above, the filter (or any of its parts minus the oil) then can be disposed of as a solid waste. However, the Commonwealth of Massachusetts strongly recommends recycling of used oil filters.

See Massachusetts Department of Environmental Protection website:

<http://www.mass.gov/dep/recycle/hazardous/motoroil.htm>

Invoices

At the completion of the repair work performed on the customer's vehicle, including warranty repair work, the customer must be given a dated written bill containing the following information:

- The name and address of the customer and the repair shop;
- The date the customer's vehicle was delivered to the repair shop;
- The year, make and registration number of the customer's vehicle and the odometer reading of the vehicle on the date it was delivered to the repair shop;
- An itemized list of the repairs performed on the customer's vehicle;
- A list of the parts supplied to the customer by name and number, the price charged to the customer for each such part, and the total amount charged to the customer for parts;
- If any part supplied was not new, a statement as to whether it was used, reconditioned or rebuilt;
- The number of hours of labor charged for the repair work, a designation of such hours as actual hours worked or flat-rate hours, the price charged to the customer for each such hour and the total amount charged to the customer for labor; and
- The total amount charged to the customer for parts and labor.

However, if the price charged to the customer for the repair work is a flat charge for the particular repair that was included in a schedule of charges posted in a clear and conspicuous manner on the premises of the repair shop at the time the vehicle was delivered, the repair shop need not list the price of each part supplied, the number of hours charged or the charge for each hour of labor.

940 CMR 5.05(9)

License to Sell Motor Oil at Retail

Retailer sellers of motor oil must obtain a license for each station, store, or garage at which the motor oil is sold. Additionally, each licensee must conspicuously display the license at the station, store, garage or other establishment to which it pertains.

ALM GL ch. 94 § 295B

Licensing and Registration

All mechanic shops are required to be registered and to post a \$10,000 bond. Every registered motor vehicle repair shop must publicly display in its place of business its current certificate of registration.

ALM GI ch. 100A § 2

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

Prior to obtaining oral or written authorization to perform repairs on the customer's vehicle, the customer must be informed that he has the right to have any parts replaced by the repair shop returned to him at the completion of the repairs. If the parts must be returned to the manufacturer or some other person under a warranty or rebuilding arrangement, the customer must be informed of his right to inspect such parts. A repair shop can comply with this requirement by displaying such information in a clear and conspicuous manner on the repair shop's premises.

940 CMR 5.05(4)(b)

Record Retention

Repair shops must keep a proper record of every motor vehicle which enters and leaves his place of business. A proper record shall include, but not be limited to:

- (1) a description of the motor vehicle,
- (2) the vehicle identification number,
- (3) the date received; and
- (4) a signed authorization for the work performed on said vehicle.

Records shall also be kept of purchases of all major component parts made during at least the preceding eighteen months.

Any registered shop whose business consists primarily of the changing and replacing of the fluids of a motor vehicle shall be exempt from keeping the record book referred to above, if and so long as the registered shop keeps adequate records of the repairs and services performed with respect to the motor vehicles which come into its custody.

ALM GI ch. 100A § 9

Revised Estimates

If a repair shop discovers in the course of repairing a customer's vehicle that the vehicle needs repairs other than those authorized by the customer, or that the price for performing such repairs will exceed the price authorized by the customer (or the price noted on a posted schedule of repair charges) by more than \$ 10.00, the repair shop must inform the customer of such fact and obtain the customer's written or oral authorization to continue with the repair work before proceeding with the repairs.

940 CMR 5.05(7)

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Massachusetts' Consumer Protection Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

No Statutes/Regulations available at this time

Tire Recycling and Disposal (Including Fees)

Storage and processing facilities are regulated as handling facilities, and must meet permitting criteria. As of December 31, 1991, whole tires are banned from disposal in landfills. Tires must be shredded prior to disposal in landfills.

310 CMR 19.017

Warranties

All mechanic's/auto repair shops must offer a warranty for shoddy repair work at no cost to the customer.

940 CMR 5.05 (8)

Michigan

Additional Notices/Disclosures

The repair facility must display a clearly legible sign in a conspicuous place at the entrance of the facility indicating that inquiries concerning repair service or complaints may be made to the administrator and shall contain the address and telephone number of the department.

MCLS § 257.1333

Additional Resources

Michigan Department of State Repair Facility Manual: available at
http://www.michigan.gov/documents/title2_20317_7.pdf

Used Oil Filter Generator Requirements: http://www.michigan.gov/documents/deq/deq-ess-p2tas-oilfilters_190429_7.pdf

Advertising

Michigan has advertising rules pertaining specifically to the automobile industry, including automobile repair. In addition to the general advertising requirements outlined in the introduction, Michigan rules state that it is an unfair and deceptive practice to advertise or otherwise represent, directly or indirectly: [see Mich. Admin. Code R 257.134; MCLS §§ 445.903c, 445.903d]

- That a customer will receive a rebate, discount, or other benefit as an inducement for entering into a contract, if the benefit is contingent on an event to occur subsequent to the consummation of the transaction;
- That a repair facility has the ability to perform repair services using personnel qualified in specific repair specialties, including those specialties enumerated in section 10 of the act, when in fact the facility does not employ mechanics legally certified in those specialties;
- Products or services in a language other than English without including in the advertisement or representation required disclosures or limitations on the offer in the language principally used in the advertisement or representation;
- That mechanics employed by a repair facility are "certified," "licensed," or otherwise qualified when that representation might tend to give the impression that all mechanics employed by the facility are certified or licensed if in fact they are not;
- That a customer's failure to act quickly or within a certain period of time to procure products or services will result in the loss of opportunity to procure them at a particular price when in fact this is not the case;
- That products or services are sold under the terms of "satisfaction guaranteed or money back" or words of similar import when in fact the customer's declaration of dissatisfaction is not the sole criterion for the refund of money on purchases so warranted;
- The necessity, desirability, or advantage to a prospective customer of dealing with a repair facility by misrepresenting the facility's alleged advantages of size.
- An aspect of the repair transaction in a manner causing a likelihood of confusion, or of misunderstanding, with respect to the authority of a mechanic, salesperson, representative, or agent to negotiate the final terms of a transaction;
- An aspect of a repair transaction in a manner causing a likelihood of confusion, or of misunderstanding, as to the legal rights, obligations, or remedies of a party to the transaction;
- That service on an offered product is available under a warranty when in fact it is not available or there are undisclosed limitations or conditions on the availability of that service;
- A free or low-cost inspection or diagnosis necessitating the removal or dismantling, or both, of a part or assembly and fail to disclose prior to the transaction a charge for replacement or reassembly in the event the customer declines to authorize a recommended repair;
- The words "certification," "licensing," "registration," or words of similar import, of a motor vehicle repair facility, or mechanic by an organization, association, governmental entity, association, governmental entity, or other program or authority other than the administrator, without clearly and conspicuously disclosing the source of the "certification," "licensing," or "registration," and adding the disclaimer "not the Michigan Department of State."; and
- The desirability or advantages of certification or licensing by a federal, state, or local governmental agency, or that a motor vehicle repair facility or mechanic has been indorsed or sanctioned by the administrator.

Additionally, it is considered unfair and deceptive to advertise in a telephone directory an assumed or fictitious business name that intentionally misrepresents where the business is actually located or operating or falsely states that the business is located or operating in the same area covered by the telephone directly. Using an address or telephone number to accomplish the same purpose is similarly prohibited.

Employee Safety

Safety standards of automotive service operations include requirements in the following categories: employer and employee responsibility; personal protective equipment; illumination; machinery and equipment installation; housekeeping; ventilation and air receivers; painting and coating operations; belt servicing; air conditioning and refrigeration servicing; cranes and winches, hoists and chainfalls; wreckers; jacking and blocking; rim wheel servicing; multi-piece rim wheels; single piece rim wheels; radiators and gas tanks; transmissions; extractors and wringers; car wash conveyors; and automotive lifts.

Mich. Admin. Code R 408.17235 through 17253

Equipment

The Repair Facility Manual specifies that it is the repair facility's responsibility to ensure that analyzers function properly and diagnose repairs correctly. The manual further states that a miscalibrated or malfunctioning analyzer does not relieve a repair facility of liability when unnecessary or faulty repairs are performed.

Michigan Bureau of Automotive Regulation, Repair Facility Manual; Section 5-2

Estimates

Before any automotive repair work can begin, the customer must be given a written estimate, itemizing as closely as possible the price for labor and parts necessary for a specific job prior. The cost of the diagnosis must be contained in the written estimate given to the customer. A written estimate is not required if the total cost for services and parts is less than \$20.

If the estimated price of parts and labor will exceed the original written estimate by more than 10% or \$10, whichever is less, the repair shop must obtain written or oral consent of the customer before performing any of the repairs in excess of the original estimate. If the customer does not want the repair work performed, then the customer is liable for all reasonable costs to return the vehicle to the condition it was in when it entered the facility. These costs must be indicated in written form itemizing the costs as closely as possible with a copy given to the customer.

Customers may also waive their right to a written estimate. To do so, the customer must agree to pay all reasonable costs of repair up to an amount stated by the customer. The waiver must be in 14 point or larger bold capital type face and executed with a copy given to the customer. The waiver shall read as follows:

I, _____, voluntarily request _____ to provide services or parts in the repair of the below described motor vehicle without receiving an estimate of repair costs. By signing this form, I understand that I will give up my right to:

1. Receive a written estimate of the cost for repairs;
 2. Approve in advance any repairs or costs with a total cost under \$____; and
 3. Refuse to pay for repairs with a total cost less than the amount stated above.
- The facility may exceed the amount stated above only after I give my written or oral approval.

Motor vehicle description: _____

Customer Signature _____

Date _____

Time _____

This waiver shall not be effective unless given by the customer voluntarily and with full knowledge of the implications of the waiver. A motor vehicle repair facility or anyone in its employ shall not make use of the waiver in an attempt to evade Michigan laws.

MCLS §§ 257.1332, 257.1334a

Filter Recycling and Disposal

Michigan exempts non-terne plated used oil filters from hazardous waste regulation provided that they are not mixed with a hazardous waste and if they are gravity hot-drained using one of the following methods:

- (1) puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
- (2) hot-draining and crushing;
- (3) dismantling and hot-draining; or
- (4) any other equivalent hot-draining method that removes used oil.

Terne is an alloy of lead and tin. The generator is responsible for determining that a filter is not terne-plated either through knowledge from the supplier or through testing. Used oil filters that are recycled as scrap metal are exempt from hazardous waste regulation provided the above requirements are met. The state does encourage recycling as opposed to other disposal methods.

MICH. ADMIN. CODE R 299.9204(2)(n)

Invoices

All invoices shall contain the following information:

- Repairs needed, as determined by the facility;
- Repairs requested by the customer;
- Repairs authorized by the customer;
- The facility's estimate of repair costs;
- The actual cost of repairs;
- The repairs or services performed, including a detailed identification of all parts that were replaced and a specification as to which are new, used, rebuilt, or reconditioned; and
- A certification that the repairs were completed properly or a detailed explanation of an inability to complete repairs properly.

The invoice shall be signed by the owner of the facility or by a person designated by the owner to represent the facility. The name of the mechanic or mechanics that performed the diagnosis and the repair shall also appear on the invoice.

MCLS §§ 257.1334, 257.131

Licensing and Registration

Businesses performing motor vehicle maintenance, diagnosis, body work or repair service must be registered with the Michigan Department of State. Annual registration fees are based upon gross annual revenue and use a sliding scale with a maximum fee of \$500 for businesses with over \$340,000 in annual revenue. Repair facilities must notify the Department of State whenever there is a change in business hours, address, business name or ownership.

MCLS § 257.1306

Mechanic Certification

Repair facilities employees must be certified for the type of repair performed by the facility. Mechanics-in-training must hold valid mechanic trainee permits and must work under the supervision of a properly certified mechanic. Statute requires certification of those who: diagnose or repair motor vehicles, perform bench repairs on motor vehicle component parts; and estimate or repair unitized body structural component damage. A mechanic certificate or trainee permit may be revoked if the Secretary of State finds that the person has made unnecessary repairs or repairs not authorized by a customer, refused to honor a warranty given to a customer, or has otherwise violated the Motor Vehicle Service and Repair Act. The state certifies technicians in all ASE automobile and light truck categories as well as heavy truck and other on road vehicles. A person who applies for mechanic certification must pass a written test administered by the Bureau of Automotive Regulation. Separate tests are required for each repair category in which the person is seeking certification. The test may be waived if the person has passed a test administered by the National Institute for Automotive Service Excellence (ASE).

Each certified mechanic is required to display a valid mechanic certificate at their place of work where it can be readily accessible to the customer. Mechanics certified in the categories of engine tune-up/performance, electrical systems, and brakes and braking systems must be recertified every five years by:

- (1) passing the latest state test,
- (2) showing proof of current ASE certification; or
- (3) successfully completing a state-approved training program.

MCLS § 257.1304

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

Michigan law requires that the shop return all parts to the customer unless the parts must be returned to the manufacturer or distributor under a warranty or exchange arrangement. If the parts must be returned to the manufacturer or distributor, the repair shop must offer to show the parts to the customer.

Customers must be informed of their right to receive or see replaced parts prior to the customer executing any document or the commencement of services or repairs. The information shall be given to the customer on the face of any contract, work order form, or other document evidencing the engagement of the facility or mechanic or by separate written document, in at least 12 point boldface type. Alternatively, a repair shop may satisfy this requirement by displaying a clearly legible sign with lettering not less than 1-inch high, conspicuously displayed in the part of the facility where customer repairs are routinely contracted for. The language of this notice, whether on a document or sign, must read as follows:

“YOU ARE ENTITLED BY LAW TO THE RETURN OF ALL PARTS REPLACED, EXCEPT THOSE WHICH ARE TOO HEAVY OR LARGE, AND THOSE REQUIRED TO BE SENT BACK TO THE MANUFACTURER OR DISTRIBUTOR BECAUSE OF WARRANTY WORK OR AN EXCHANGE AGREEMENT. YOU ARE ENTITLED TO INSPECT THE PARTS WHICH CANNOT BE RETURNED TO YOU.”

The repair shop must reasonably clean all parts that are to be returned to or inspected by the customer. Portable parts should be placed in a suitable container. Non-portable parts should be stored in a suitable place in the facility for the customer's inspection. Parts must be held for a minimum of 2 business days after the delivery of the vehicle to the customer unless the customer has authorized the immediate disposition of the parts. If the customer raises a dispute regarding the repair, the replaced parts are to be held by the facility until the disputed matter is resolved.

Upon request by the customer, repair shops must explain exactly why a replaced part is defective, non-functional, or otherwise replaced. Additionally, if the repair facility must keep the part under an exchange agreement, the facility must explain to the customer the precise terms of the exchange agreement, including the price to the customer if he wishes to reclaim the part.

MCLS § 257.1333; Mich. Admin. Code R 257.142-.145

Record Retention

Repair facilities must retain the following records for a minimum of five years:

- (1) written estimates;
- (2) final invoices;
- (3) waivers, warranties or sublet invoices;
- (4) part purchase receipts; and
- (5) any other documents that pertain to the repair transaction.

MCLS § 257.1318

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Michigan's Consumer Protection Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

There is no mandatory state battery fee in Michigan. However, retailers of lead acid batteries are required to accept a used lead acid battery in connection with the sale of a new lead acid battery. Additionally, retailers must post a written notice in a location that is readily visible to customers that is at least 8.5" x 11" in size and contains the universal recycling symbol and essentially all of the following statements:

- Recycle your used lead acid batteries.
- It is illegal to discard a lead acid battery except by delivery to a retailer, a distributor, a manufacturer, or a collection, recycling, or smelting facility approved by the department.
- State law requires retailers to accept used lead acid batteries upon the purchase or within 30 calendar days of the purchase of a lead acid battery.

The precise format, design, and wording of the notice is provided by the Department of Natural Resources and Environmental Protection.

MCLS § 324.17103

Tire Recycling and Disposal (Including Fees)

Uncovered tire collection sites with more than 50 scrap tires are regulated. Scrap tires must NOT be stored in piles greater than 15 feet in height, with horizontal dimensions no greater than 200 by 40 feet with 30 foot spacing between. Tires must not be stored within 20 feet of property line or within 60 feet of a building or structure. Tires must be covered, shredded or sprayed to limit potential for mosquito breeding.

Bond, in the form of Surety Bond, Irrevocable Letter of Credit, Certificate of Deposit or Cash, is required for all storage of tires to ensure removal. The minimum bond requirements are as follows: \$25,000 per 1/4 acre for outdoor storage, \$2 per square foot of indoor storage, and \$750 per vehicle for storage in trailers.

Tires may be landfilled at facilities licensed under part 115 of the NREPA or stored in compliance with Michigan scrap tire legislation.

There is a state tire disposal fee in Michigan. However, unlike other states, which assess the fee on the sale of each new tire, Michigan imposes a \$1.50 tire disposal fee for each new certificate of title or duplicate of a certificate of title issued. As such, retail sellers of tires have no collection obligations.

Michigan law does not expressly prohibit charging customers additional tire disposal fees or including such fees in calculating shop fees.

MCLS § 257.806; MCL § 324.16901 et seq.

Vehicle Inspection

The Bureau of Automotive Regulation encourages facilities to inform customers of all safety defects.

Warranties

Repair facilities are not required to provide warranties on their repairs, but if they do, the warranties must be in writing, disclose the scope of the warranty, and include any limitations or disclaimers that exist.

Michigan Department of State, Repair Facility Manual, page Q-9

Minnesota

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Advertising

Minnesota does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

In addition, all businesses engaged in the sale of merchandise at retail shops are prohibited from the following:

- Misrepresenting the true nature of such business, either by use of the words manufacturer, wholesaler, broker, or words of similar import;
- Misrepresenting, directly or indirectly, that the price at which such merchandise is sold is an approximately wholesale price, or is less than the usual retail price, or otherwise misrepresent the true nature of such sale; and
- Using price tags or price quotations in any form showing prices which are fictitiously in excess of the actual prices at which such merchandise is regularly and customarily sold at retail by such person.

Minn. Stat. § 325D.12

Estimates

Upon the request of a customer, repair shops must provide a written estimate prior to the commencement of repairs. The estimate must include all the parts, materials and labor which in the standard practice of the trade or industry would normally be included in the repairs for which the estimate was requested. The requirement of a written estimate can alternatively be fulfilled if a shop orally communicates the contents of a required writing to the customer prior to commencing repairs and provides the writing to the customer upon completion of the repairs. In such case, the following must be noted on the writing:

- The time and date of the oral estimate and authorization;
- The telephone number called, if any; and
- The name of the person who received the information and orally authorized the making of the estimated repairs.

Charging for Teardown and/or Estimates

A shop may impose an additional charge for making a written estimate, including charges for disassembly, diagnosis, and reassembly necessary to make the estimate. These charges must be communicated to the customer before the estimate is made, and the customer must authorize the estimate.

Notice of Other Charges

At the time a shop provides a customer with a written estimate, the shop must inform the customer that any charge for storage/care, a service call, or a charge for making an estimate shall be in addition to the estimated price for the repairs. Additional Charges and/or Repairs

Repair shops may not charge more than 110 percent of the total price stated in the repair estimate without providing the customer with a revised written estimate and receiving authorization to continue with the repairs. However, repair shops may not unreasonably fail to disclose the possible need for additional work when the original estimate was made.

If continuation of the repairs is not authorized, the shop must return the motor vehicle as close as possible to its former condition or place it in a mutually agreed upon condition and shall release the vehicle to the customer upon payment of charges for repairs actually performed and not in excess of 110 percent of the original estimate.

Customers have the right to request a written estimate before any additional repairs are commenced on the motor vehicle regardless of whether the customer requested a written estimate of the price of the original repairs.

Notice

Repair shops must conspicuously display a sign that states the following:

"Upon a customer's request, this shop is required to provide a written estimate for repairs costing \$100 to \$7,500 if the shop agrees to perform the repairs. The shop's final price cannot exceed its written estimate by more than ten percent without the prior authorization of the customer. You must request that the estimate be in writing. An oral estimate is not subject to the above repair cost limitations. If the shop charges a fee for the storage or care of repaired motor vehicles or appliances, the shop shall conspicuously display a sign that states the amount assessed for storage or care, when the charge begins to accrue, and the interval of time between assessments."

Minn. Stat §§ 325F.58, 325F.62 Subdivision 3

Filter Recycling and Disposal

Used oil filters are prohibited from solid waste disposal. MN requires business generators of used oil filters to either recycle the used oil filter or dispose of the filter as hazardous waste. The landfill ban on used oil filters applies to both household (DIY) and commercial generators. If the used filters are being recycled, the generator is not required to test the filter for a characteristic. However, used filters destined for recycling must be drained of all free-flowing oil. There is no requirement for how long the filter must be drained. The state also suggests crushing as a way to remove oil. All drained oil must be collected and recycled. Used filters must be stored in containers that ensure that oil does not escape into the environment. Such containers must be labeled "Used Oil Filters." Businesses located in Greater Minnesota generating used oil filters are not required to report annually to MPCA. Business located in the Twin Cities seven-county metropolitan area may be required to report annually amounts of oil filters generated and how they are managed to the county hazardous waste staff.

Additionally, a recycling sign is required to be posted by retailers. This sign is available at:
<http://www.pca.state.mn.us/waste/pubs/usedoilsign.pdf>

Minn. R. 7045.0990

Invoices

Invoices must contain the following information:

- The date of repair;
- The name and address of the shop;
- A description of all repairs performed;
- An itemization of the charges for parts, materials, labor, tax, delivery, storage or care, and any other charges assessed against the customer;
- A notation specifying which parts, if any, are new, used, rebuilt, reconditioned, or replated if that information is known by the shop. If parts, other than window glass, used in the repair are new parts, the invoice must indicate whether or not those parts are original equipment parts;
- A statement of any charge for storage or care, a service call or for making an estimate;
- A statement of the odometer reading at the time a motor vehicle is presented for repairs; and
- A statement of the symptoms, as described by the customer, for which the repairs were sought.

A written estimate may be used as an invoice if the required information is written on the face of the estimate.

Minn. Stat. § 325F.60

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

If a customer makes a request before repairs are commenced, the shop shall return replaced parts to the customer, except parts which the shop is required to return to the manufacturer, distributor, or other person for one of the following reasons:

- They are covered under a warranty or exchange arrangement;
- They are required to be retained pursuant to law; or
- They are necessary for pending litigation.

The customer must be given an opportunity to examine warranty or exchange parts for a period of five business days after completion of repairs.

Minn. Stat. § 325F.62, Subdivision 1

Record Retention

Repair shops must retain for at least one year the name and address of the customer, any written estimates and the repair invoice. The records must be available for reasonable inspection and copying by law enforcement officials upon reasonable prior notice and during regular business hours. Additionally, upon payment of any reasonable reproduction costs, copies of these documents must be provided to customers who request them.

Minn. Stat. § 325F.62, Subdivision 2

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, Minnesota law requires all charges, including shop fees, assessed against a customer to be itemized on the invoice. Additionally, all businesses must comply with Minnesota's Deceptive Trade Practices Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

Minn. Stat. § 325F.60(d)

State Battery Recycling and Fees

Retail sellers of lead acid batteries must accept used lead acid batteries from consumers and may not charge a fee for doing so. Consumers may not deliver more than 5 lead acid batteries to a retailer at one time.

Upon the sale of a new lead acid battery, retailers are to charge customers a fee of at least \$10 unless the customer provides the retailer with a used lead acid battery. This fee must be refunded if the customer returns a used lead acid battery within 30 days after the purchase. If the customer does not return a used battery within 30 days, retailers may keep the battery surcharge.

Retailers must also post a notice which is at least 8.5 inches by 11 inches in size, contains the universal recycling symbol, is clearly visible to consumers making purchasing decisions, and contains the following language:

"NOTICE: USED BATTERIES

This retailer is required to accept your used lead acid batteries, EVEN IF YOU DO NOT PURCHASE A BATTERY. When you purchase a new battery, you will be charged an additional \$5 unless you return a used battery within 30 days.

It is a crime to put a motor vehicle battery in the garbage."

Minn. Stat. §§ 325E.115, 325E.115

Tire Recycling and Disposal (Including Fees)

The Scrap Tire Law was passed in 1984. Tire retailers may store up to 500 scrap tires without a storage permit. Tire retailers are required to use only scrap tire transporters that have a valid ID number from the State. Tires are banned from disposal in landfills

Minnesota does not have a mandatory state tire fee. Retail sellers of automotive tires are required to accept waste tires from customers for collection and recycling. Specifically, retailers must accept one waste tire per new tire sold. However, there is no express prohibition against businesses charging a tire disposal fee or including such a fee in calculating shop fees.

Minn. Stat. §§ 325E.32, 115A.902 et seq.

Warranties

No Statutes/Regulations available at this time

Mississippi

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Advertising

Mississippi does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

If a written estimate is prepared for a potential customer, then the shop must clearly identify in a separate document attached to the estimate, that non-original equipment manufacturer aftercrash parts were used in preparing the estimate. The disclosure must be in type no smaller than ten-point and must state:

“THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THE AFTERMARKET CRASH PARTS USED IN THE PREPARATION OF THIS ESTIMATE ARE WARRANTED BY THE MANUFACTURER AND DISTRIBUTOR OF SUCH PARTS RATHER THAN THE MANUFACTURER OF YOUR VEHICLE.”

Miss. Code Ann. § 63-27-5

Filter Recycling and Disposal

Mississippi follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

No Statutes/Regulations available at this time

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Mississippi's Consumer Protection Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

There is no mandatory state battery fee in Mississippi. However, retailers of lead acid batteries are required to accept a used lead acid battery in connection with the sale of a new lead acid battery. Additionally, retailers must post a written notice in a location that is readily visible to customers that is at least 8.5" x 11" in size and contains the universal recycling symbol and following language:

- "IT IS ILLEGAL TO DISCARD A MOTOR VEHICLE BATTERY OR OTHER LEAD ACID BATTERY;"
- "RECYCLE YOUR USED BATTERIES;" and
- "STATE LAW REQUIRES U.S. TO ACCEPT USED MOTOR VEHICLE BATTERIES OR OTHER LEAD ACID BATTERIES FOR RECYCLING IN EXCHANGE FOR NEW BATTERIES PURCHASED."

These notices may be obtained from the Department of Environmental Quality.

Miss. Code Ann. §§ 17-17-431, 17-17-433

Tire Recycling and Disposal (Including Fees)

SB 2985, a bill addressing the disposal of batteries, tires, and household hazardous waste was passed in 1991. Scrap tire management regulations were finalized and adopted in August 1992. The regulations include requirements for collection sites, processing facilities and disposal sites and financial responsibility requirements for agriculture, erosion control, or other alternative uses of scrap tires. Tires may be deposited only at authorized collection, processing, or disposal points. A scrap tire collection site permit must be obtained if you store more than 100 tires, unless you are a retail outlet where you can store up to 500 tires. Tires must be cut, sliced or shredded to facilitate recycling or disposal. Landfill ban on all tires began on January 1, 2000.

Under Mississippi law, there is a waste tire fee imposed on each new tire sold at wholesale. The amount of the fee is \$1 for each new tire sold with a diameter of less than 24" and \$2 for each new tire sold with a diameter of 24" or greater. The fee is added to the total cost incurred by the purchaser at wholesale. The wholesaler is then responsible for remitting the fees to the State Tax Commission. However, if a retailer purchases tires for resale from an out of state wholesaler (who does not pay the \$2 fee), the retailer is responsible for submitting the fee directly to the Tax Commission. Additionally, wholesalers making retail tire sales are to pay the waste tire fee.

According to the Code of Mississippi Rules, the waste tire fee "may not be charged on the retail sale to the end customer." However, the seller may recoup the waste tire fee by including the cost of the fee in the selling price of the tire or listing the fee as a "reimbursement of waste tire fee" on the sales invoice. The difference between charging the fee to the customer and obtaining "reimbursement" for the fee appears to be that the reimbursement charge is subject to sales tax. As the fee must be included as part of the tire price or separately listed on the invoice, it cannot be included in calculating shop fees.

The seller making payment to the Tax Commission is entitled to deduct 5% of the total fees as compensation for collection costs. Payment is to be made on or before the 20th day of the month following the month in which the fee accrues. The fee is NOT to be reported on the sales tax return. Rather, the fee should be reported on the Mississippi Tire Disposal Fee Return (Form 72-220)

Mississippi law expressly permits retailers to charge additional disposal fees. However, retailers are prohibited from charging a disposal fee in excess of the actual per tire disposal costs incurred by the retailer. Additionally, retailers may not waive the disposal fee if the customer keeps the used tire. If the retailer is required to pay the waste tire fee directly to the Tax Commission, that amount may be included in calculating total disposal costs.

Mississippi law does not expressly require additional tire disposal fees to be separately stated on invoices. However, because state law expressly limits the amount a retailer can charge for tire disposal, retailers should be able to provide documentation proving how much customers were charged and how the retailers' disposal costs were calculated.

Miss. Code Ann. §§ 17-17-401 et seq; CMSR 08-030-011, CMSR 08-030-012

Warranties

No Statutes/Regulations available at this time

Missouri

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Additional Resources

Used Oil and Oil Filter Disposal Fact Sheet: <http://www.dnr.mo.gov/pubs/pub153.pdf>

Advertising

Missouri does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

Non-OEM Parts Disclosure Requirements

Missouri requires the disclosure of non-original equipment manufacturer (Non-OEM) aftermarket crash parts used in the repair of a vehicle that is repaired pursuant to an insurance claim. Non-OEM parts may not be used without prior disclosure to and approval from the customer.

R.S. Mo. § 407.295

Filter Recycling and Disposal

Missouri follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

No Statutes/Regulations available at this time

Record Retention

Missouri requires that every shop keep a record of the vehicle identification number, odometer setting, and the manufacturer's name, for all motor vehicles or trailers they sell, rent, store, repair or repaint. Also required is the name and address of the person delivering the vehicle or trailer to the shop. This record must be kept for three years and made available for inspection by certain government officials.

R.S. Mo. § 301.280(2)

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, Missouri law prohibits deception, fraud, the use of false pretense or promises, misrepresentations, unfair practices, or concealment or omission of material facts in sales or advertising. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Missouri law requires retailers of new lead acid batteries to accept a used lead acid battery in connection with the sale of a new lead acid battery. Retailers must also collect a \$.50 fee per battery sold until June 30, 2011, at which point the fee will be terminated. The fee is to be added to the total cost after sales taxes have been computed. As such, it cannot be marked-up or included in the calculation of shop fees. Battery retailers are required to remit the fees collected, minus a 6% collection fee, to the Department of Revenue on a quarterly basis and in accordance with the state's sales and use tax requirements.

Additionally, retailers must post a written notice at least 4" x 6" in size which contains the universal recycling symbol and the following language:

- "It is illegal to discard a motor vehicle battery or other lead acid battery;"
- "Recycle your used batteries;" and
- "State law requires us to accept used motor vehicle batteries, or other lead acid batteries for recycling, in exchange for new batteries purchased."

These required notices may be obtained from the Department of Natural Resources.

R.S. Mo. §§260-262, 260.264

Tire Recycling and Disposal (Including Fees)

SB 530, an omnibus solid waste bill passed in August 1990 and includes provisions for regulating tires. Tire retailers and wholesalers can store more than 500 tires but not for over 30 days and must use permitted haulers. Recordkeeping regarding the generation and disposition of the tires is required. Whole tires are banned from disposal in landfills.

Missouri law requires retailers of new tires to collect a \$.50 fee per tire sold until January 1, 2010, at which point the fee will be terminated. The fee is to be added to the total cost after sales taxes have been computed. As such, it cannot be included in the calculation of shop fees. Tire retailers are required to remit the fees collected, minus a 6% collection fee, to the Department of Revenue on a quarterly basis and in accordance with the state's sales and use tax requirements.

There is no express prohibition on charging an additional tire disposal fee or including such an additional fee in calculating shop fees.

R.S. Mo. § 260.270 et seq.; 12 CSR 10-44.020; 10 CSR 80-8.010 et seq.

Warranties

No Statutes/Regulations available at this time

Montana

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Advertising

Montana law provides that persons engaged in the business of automotive repair may not advertise, promise to provide, or offer any coupon, credit, or rebate to pay all or part of an insurance deductible.

Additionally, the state's general consumer protection advertising requirements apply. Furthermore, it is unlawful for a vendor to sell, offer for sale, or advertise for sale any article of commerce at less than the vendor's cost for the purpose of injuring competitors and destroying competition.

Mont. Code Ann., §§ 30-14-209. 30-14-225

Estimates

Motor vehicle service and repair shops must give customers a written estimate if requested by the customer and the repairs, maintenance or services exceed \$50. A reasonable charge may be made for the labor and diagnostic work performed in arriving at the estimate, but this charge must be disclosed on the written estimate. When requested, written estimates must contain the following information:

- The estimated price for labor;
- The estimated price for parts necessary for the specific job;
- Storage costs (if any); and
- The approximate date of work completion.

Repair shops cannot charge for parts or labor in excess of 10% or \$25, whichever is greater, above the estimated price without obtaining oral or written consent from the customer. Such consent must be obtained before the additional work is done and/or the additional parts are supplied.

Under Montana law, written estimates are valid for no more than 5 days. However, a shorter period of time may be designated if it appears on the written estimate.

Mont. Admin. R. 23.19.202(1)(a)

Filter Recycling and Disposal

Montana requires business generators to perform a hazardous waste determination on terne-plated used oil filters. Filters that do not exhibit a hazardous waste characteristic may be thrown into a municipal licensed Class II landfill once they are properly drained. Generators may throw their used non-terne plated oil filters into licensed Class II landfills if the filters are drained and there are no recycling options available in their area.

Montana strongly recommends recycling used filters over disposing them. Other filters are subject to generator knowledge of, or testing for, a hazardous waste characteristic. If the waste exhibits a hazardous characteristic, the status of the generator (small or large quantity generator or conditionally exempt small quantity generator) must be determined. Conditionally exempt small generators are businesses that generate no more than 100 kgs. (220 lbs. or roughly 25 gallons) of hazardous waste or no more than 1 kg of acute hazardous waste (one that in any one month is regulated more strictly by the USEPA).

Additionally, they cannot store more than 1,000 kgs of hazardous waste on site. Such waste must either be treated on-site for legitimate recycling/reclamation purposes or must be sent to a recycling facility; a permitted hazardous waste treatment or disposal facility; or must be disposed of in a licensed Class II landfill. Wastes destined for landfill disposal must be in a solid state and operator of landfill must accept the waste. Large quantity generators exceed 1,000 kgs. per month and are subject to stricter requirements than small quantity generators.

Invoices

Repair shops are required to provide customers with invoices containing the following information:

- All labor and materials charges;
- All service work performed by the repair shop;
- A list of all parts supplied; and
- Whether any used, rebuilt or reconditioned parts were supplied.

One copy of the invoice must be given to the customer and the repair shop must retain a copy for a period of at least 90 days.

Mont. Admin. R. 23.19.202(1)(b)

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

Upon request of the customer at the time the work order is taken, repair shops must return replaced parts to the customer when the work is completed. However, the replaced parts do not need to be returned in the following circumstances:

- Returning such parts would be impracticable because of size, weight or other similar factors; or
- The replaced parts must be returned to the manufacturer, distributor or other supplier under a warranty arrangement or exchange parts program.

If, at the time the work order is taken, a customer requests the return of parts which are exempt from the parts return requirement, then the repair shop must inform the customer that he is entitled to inspect the parts upon completion of the repairs or services. If the customer requests such a showing, the repair shop shall show such parts to the customer. However, repair shops are not required to show a replaced part when no charge is being made for the replacement part.

Mont. Admin. R. 23.19.202(1)(c)

Record Retention

See Invoice requirements (above)

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, Montana rules require motor repair shops to provide customers with an invoice showing all labor and materials charges. As such, shop fee charges must be itemized on the invoice.

Additionally, all businesses must comply with Montana's Unfair Trade Practices and Consumer Protection Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

Mont. Admin. R. 23.19.202(1)(b)

State Battery Recycling and Fees

No Statutes/Regulations available at this time

Tire Recycling and Disposal (Including Fees)

Scrap tires are regulated under the Montana Solid Waste Management Act and the Montana Motor Vehicle Recycling and Disposal Act and the associated administrative rules. Both Acts were passed in 1977. Tires are currently accepted at landfills. Some landfills are beginning to charge differential fees for whole versus split tires.

See the Montana Department of Environmental Quality's website at:
<http://deq.mt.gov/Recycle/Tires/TiresLandfills.asp>

Warranties

No Statutes/Regulations available at this time

Nebraska

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Advertising

Nebraska does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

If a written estimate is prepared for a potential customer, then the shop must clearly identify on the estimate or separate document attached to the estimate that non-original equipment manufacturer aftermarket parts were used in preparing the estimate. The disclosure must be in type no smaller than ten-point and must state:

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 EQUAL IN LIKE, KIND AND QUALITY IN TERMS OF FIT, QUALITY AND PERFORMANCE TO THE ORIGINAL MANUFACTURER PARTS THEY ARE REPLACING.

Nebraska Admin. Code Title 210, Ch. 45

Filter Recycling and Disposal

Nebraska regulates used oil filters as special wastes rather than a potential hazardous waste if they are managed as follows. Used oil filters should be drained and managed pursuant to the federal guidelines and title 128, Chapter 2, Section 009.12. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above room temperature. If the above are followed, the filters may be disposed of in a landfill without departmental approval. Individual landfills or jurisdiction might be made restrictive, check prior to disposal.

Nebraska Admin. Code Title 128, Ch. 2, Section 009.12

Invoices

No Statutes/Regulations available at this time

Mechanic Certification

The Attorney General's office advises consumers to look for shops displaying some sort of certification, such as an ASE seal.

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

No Statutes/Regulations available at this time

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Nebraska's Deceptive Trade Practices Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

No Statutes/Regulations available at this time

Tire Recycling and Disposal (Including Fees)

Land disposal of waste tires is prohibited. Accumulation of more than five hundred passenger tire equivalents of waste tires shall be deemed disposal of solid waste and is prohibited. Tire collectors must obtain permits. However, the following entities are exempt from the permit requirement:

- (1) tire retailers if there are no more than five hundred scrap tires at the retail site;
- (2) tire retreading businesses if there are no more than two thousand scrap tires on the business premises; and
- (3) businesses which removes tires from motor vehicles if no more than five hundred scrap tires are kept on the premises.

Nebraska law requires retailers of tires to collect a \$1 fee on every tire sold. There is no fee on recapped or regrooved tires. The fees are to be submitted to the Department of Revenue in the same manner as sales tax, and retailers are not entitled to retain any portion of the \$1 as a collection fee. Nebraska law does not expressly prohibit charging additional tire disposal fees or including either in calculating shop fees.

R.R.S. Neb. §§ 81-15,162, 81-15,164, 13-2033 et seq.; Nebraska Admin. Code Title 136

Warranties

No Statutes/Regulations available at this time

Nevada

Additional Notices/Disclosures

Motor vehicle repair businesses must conspicuously display a sign, not less than 22 inches by 28 inches in size, in the areas of the business frequented by customers seeking repairs, containing specified language. See link in "Resources" section (below)

Nev. Rev. Stat. Ann. § 487.6871

Additional Resources

Customer Rights Sign: <http://www.fyiconsumer.org/AutomotiveBillOfRights-AutoBody.pdf>

Advertising

Nevada does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

General (Nev. Rev. Stat. Ann. § 487.6875)

Customers requesting or authorizing repairs that are more than \$50 must be furnished an estimate, signed by the person making the estimate, indicating the total charge for the repairs or services. The total price must include the charge for labor and all parts and accessories necessary to perform the work. If the estimate is for the purpose of diagnosing a malfunction, the estimate must include the cost of:

- Diagnosis and disassembly; and
- Reassembly, if the person does not authorize the repair.

Additional Charges and/or Repairs (Nev. Rev. Stat. Ann. §§ 487.6877, 487.6881)

If it is determined that additional charges are required to perform the repair authorized, and those additional charges exceed, by 20% or \$100, whichever is less, the amount set forth in the estimate, the repair shop must notify the owner and insurer of the motor vehicle of the amount of the additional charges. The owner of the vehicle must either authorize the additional repairs or, without delay, pay for the authorized charges and take possession of the vehicle. No additional repairs involving additional charges can be performed until the customer authorizes such work.

Waiver of Estimate (Nev. Rev. Stat. Ann. § 487.6879)

Customers may waive their right to an estimate or notification of additional charges or repairs by executing a written waiver. The waiver must be executed by the person authorizing the repairs at the time he authorizes the repairs.

Retention of Records (Nev. Rev. Stat. Ann. § 487.6885)

Repair shops are required to retain copies of all estimates and waivers as ordinary business records for at least 1 year from the date of the estimate or the date the waiver was signed.

Filter Recycling and Disposal

Nevada follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

Invoices

Invoices must contain the following information:

- The name and signature of the person authorizing repairs;
- A statement of the total charges;
- An itemization and description of all parts used to repair the motor vehicle indicating the charges made for labor; and
- A description of all other charges.

Nev. Rev. Stat. Ann. § 487.6893

Licensing and Registration

Repair facilities must register with the Department of Business and Industry. Application forms are provided by the state. If an applicant operates more than one garage, he may file one application if he clearly indicates on the application the location of each garage operated by the applicant and each person responsible for the management of each garage. The registration fee is \$25 per garage. A \$5000 surety bond is also required.

Nev. Rev. Stat. Ann. §§ 487.560, 487.563

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

If the repair work requires the replacement of any parts or accessories, the repair shop must, at the request of the person authorizing the repairs or any person entitled to possession of the motor vehicle, deliver to the person all parts and accessories replaced. This requirement does not apply to parts or accessories which must be returned to a manufacturer or distributor under a warranty arrangement or which are subject to exchange. In such a case, the customer is entitled to inspect the warranty parts for which a charge is made.

Nev. Rev. Stat. Ann. § 487.6883

Record Retention

Repair Records- Repair shops must retain copies of any estimate, statement or waiver required by NRS 487.6875 to 487.6893, inclusive, as an ordinary business record of the body shop or garage, for a period of not less than one year after the date the estimate, statement or waiver is signed.

Nev. Rev. Stat. Ann. § 487.6885

Tire Fees- records of all tire fees collected must be maintained for at least four years.

NAC § 444A.0511

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, Nevada law requires invoices to contain a description of all miscellaneous charges. As such, shop fee charges must be broken down and itemized on all invoices. Additionally, all businesses must comply with Nevada's Trade Regulation and Practices Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

Nev. Rev. Stat. Ann. § 487.6893(1)(d)

State Battery Recycling and Fees

No Statutes/Regulations available at this time

Tire Recycling and Disposal (Including Fees)

Tire retailers in Nevada must charge a post-tax fee of \$1 per new tire sold. Retailers must hold the fees collected separately, in trust, until they are remitted to the State. The fees are to be remitted to the State, along with a prescribed form, on or before the last day of the month following the month in which the tire surcharges are collected. Retailers may deduct a 5% collection fee. Records of all tire fees collected must be maintained for at least 4 years.

The tire fee must be identified as the "State Recycling Fee" on the sales receipt and must be displayed separately from the price of the tire and all other fees. Therefore it cannot be included in calculating shop fees. Although tire retailers are required to accept used tires in exchange for the purchase of new tires, there is no express prohibition against charging additional tire disposal fees or including such in the calculation of shop fees.

Tire retailers must also post at the point of purchase a written notice which is at least 8.5" x 11" in size and contains the following information:

Notice

State law requires us to accept used tires for disposal or recycling when new tires are purchased from us.

Nev. Rev. Stat. Ann. §§ 44A.060, 44A.090; NAC §§ 444A.045, 444A.0511

Warranties

No Statutes/Regulations available at this time

New Hampshire

Additional Notices/Disclosures

A shop must conspicuously post a notice no smaller than 6 square feet. The purpose of the sign is to notify customers of their rights. The notice shall contain the following information:

- The motor vehicle repair facility must provide to any customer upon request a written estimate for service or repair work to be performed and cannot proceed to perform such work unless written or oral authorization is obtained;
- If additional repair or service work of an unrelated and different nature from the work originally itemized in the written estimate becomes necessary, it must notify the customer of the estimated cost of such additional repairs and obtain his written or oral permission to proceed;
- The customer cannot be charged any amount which exceeds the estimate for the original or additional work by 10 percent without written consent;
- The motor vehicle repair facility is not required to give a written estimate if it does not agree to perform the service or repair work. However, the facility is prohibited from engaging in any conduct which will cause a customer to waive his or her right to an estimate as a condition to performing any service or repair work;
- Even where a customer has not requested an estimate, the motor vehicle repair facility is not permitted to perform any service or repair work without authorization;
- The customer has a right to a return of all replaced parts, except those parts required to be returned to the manufacturer or distributor under a warranty or exchange agreement, if he requests that they be returned to him prior to the service or repair work being performed;
- The customer must be provided with an invoice for any service or repair work performed which itemizes all work performed, all parts supplied having a value in excess of \$.50 and all labor charged and states whether or not any guarantee exists, and if so, its terms and the period for which it will be in effect;
- A motor vehicle repair facility which fails to comply with any of these requirements is not entitled to any payment whatsoever for any service or repair work performed which was not authorized by the customer; and
- Any complaint concerning a failure of a motor vehicle repair facility to comply with these requirements should be filed with the Attorney General, Department of Justice, State House Annex, Concord, New Hampshire 03301.

RSA §§ 358-D:11

Additional Resources

N.H. Dept. of Environmental Services Used Oil Filter Fact Sheet:
<http://des.nh.gov/organization/commissioner/pip/factsheets/oil/documents/oil-1.pdf>

Advertising

New Hampshire does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply as outlined in the introduction of this manual.

Additionally, New Hampshire law states that it is unfair and deceptive to conduct or advertise a going out of business sale:

- Which lasts for more than 60 days;
- Within 2 years of a going out of business sale conducted by the same person at the same location or at a different location but dealing in similar merchandise;
- Which includes any goods, wares, or merchandise purchased or received 90 days prior to commencement of the sale or during the duration of the sale and which are not ordinarily sold in the seller's course of business;
- Which includes any goods, wares, or merchandise ordered for the purpose of selling or disposing of them at such sale and which are not ordinarily sold in the seller's course of business;
- Which includes any goods, wares, or merchandise consigned for the purpose of selling or disposing of them at such sale;
- Without conspicuously stating in any advertisement for any such sale, the date such sale is to commence or was commenced;
- Upon the conclusion of which, that business is continued under the same name or under a different name at the same location; or
- In a manner other than the name implies.

RSA § 358-A:2(XII)

Estimates

New Hampshire repair shops are not required to give a customer a written estimate unless the customer requests it; however the shop may not begin any repair or service unless the customer authorizes it. If the customer requests a written estimate, a shop must provide a written estimate prior to beginning any service or repair work. The shop may not begin any service or repair set forth in the written estimate unless it receives the written permission of the customer to proceed. However, the shop may orally advise the customer of the items contained in the written estimate and obtain verbal permission to proceed. It is a violation of the statute to engage in any type of conduct or action that has the effect of causing the customer to waive his or her right to an estimate as a condition to performing a repair or service. The written estimate must contain:

- An itemization of the service or repair work to be performed;
- An estimated price for parts and labor; and
- An estimated completion date

If the shop determines that services or repairs that are not disclosed in the written estimate are required, the shop must notify the customer of the estimated cost of the additional work and receive written or verbal permission to proceed before performing the work. A repair shop may not charge a customer any amount that exceeds the written estimate by more than 10% without the customer's consent.

A shop is not liable for a delay in completion of the repairs or services if the delay was caused by an act of God, a strike, an unexpected illness, an unexpected shortage of labor or parts, or unavailability of the customer to give permission to perform additional service or repair work.

RSA §§ 358-D:1 through D-8

Filter Recycling and Disposal

New Hampshire follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13); N.H. Admin Rules, Env-Wm 401.03(b)

Invoices

An invoice must be provided to every customer upon completion of the repair or service. The shop is required to maintain a copy of the invoice for one year. The invoice must contain:

- All work that was performed;
- All work that any subcontractor has performed (the shop is responsible for any service or repair performed by a subcontractor);
- All parts supplied that cost more than \$.50 and the retail cost of each part;
- The number of hours, or portion of hours, of labor charges and the retail cost of that labor;
- A statement as to whether or not the work performed is guaranteed, and if so, for how long; and
- The fact that any replacement parts or components are used, rebuilt, or reconditioned

RSA §§ 358-D:10

Other Mandatory State Fees

New Hampshire law imposes a \$.02 per gallon fee on all automotive oil imported into the state.

RSA § 147-B:12

Parts Return

If the customer requests, before the work begins, all parts that have been replaced must be returned to the customer. The exception is if the replaced part is required to be returned to the manufacturer or distributor under a warranty or exchange agreement. In that case the shop need not return the part to the customer.

RSA §§ 358-D:9

Record Retention

A repair facility is required to provide the customer with a copy of the written invoice and is required to retain a copy of the invoice as a business record for one year.

RSA §§ 358-D:10

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, motor vehicle repair facilities must supply the customer with an invoice for any service or repair work performed which itemizes fees. Additionally, all businesses must comply with New Hampshire's Consumer Protection Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

RSA § 358-D:11(VII)

State Battery Recycling and Fees

No Statutes/Regulations available at this time

Tire Recycling and Disposal (Including Fees)

Waste tires may only be disposed at authorized facilities. Tires may be landfilled only if done so in a manner that will preclude movement of the tires after burial, such as by shredding, splitting or quartering the tires prior to landfilling or by filling the tires during landfilling. Tires must be collected, stored and transferred in accordance with the state's solid waste requirements (N.H. Admin. Rules, Env-Sw 400). The open burning of tires or processed tires is prohibited. Also, tires must be managed in a manner as to avoid establishing habitat for breeding mosquito populations.

N.H. Admin. Rules, Env-Sw 905.01 et seq.

Warranties

Invoices must state any guarantees associated with the work performed, including terms and effective period of such warranties.

RSA §§ 358-D:10

New Jersey

Additional Notices/Disclosures

A shop must post in a conspicuous location a sign that contains the following disclosure:

“A CUSTOMER OF THIS ESTABLISHMENT IS ENTITLED TO:

1. When a motor vehicle is physically presented during normal working hours and, in any event before work begins, a written estimated price state either:
 - a. PRICE NOT TO EXCEED \$_____, and given without charge; or
 - b. As an exact figure broken down as to parts and labor. This establishment has the right charge you for this diagnostic service, although if you then have the repair done here, you will not be charged twice for any part of such charge necessary to make the repair.
 - c. As an exact figure to complete a specific repair.
2. For your protection, you may waive your right to an estimate only by signing a written waiver.
3. Require that this establishment not start work on your vehicle until you sign an authorization stating the nature of the repair or problem and odometer reading of your vehicle if you physically present the vehicle here during normal working hours.
4. A detailed invoice stating charges for parts and labor separately and whether any new, rebuilt, reconditioned or used parts have been supplied.
5. The replaced parts, if requested before work is commenced, unless their size weight or similar factors make return of the parts impractical.
6. A written copy of the guaranty.

N.J.A.C. § 13:45A-26C.2(a)(11)

Advertising

New Jersey does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

A shop is required to provide a consumer with a written estimate in one of the following formats

- Provide a specific dollar amount for the repairs, which shall not exceeded;
- Provide a detailed breakdown of all parts and labor necessary to complete the repair, including the cost of any diagnostic service (which must be agreed to by the customer);
- Provide the customer with a written estimated price to complete a specific repair; for example, “tire repair;”
- Obtain authorization from the customer to complete repairs not in excess of a specific dollar amount; or
- Obtain a written waiver from the customer for a written price estimate. The waiver must be signed by the customer; provided oral authorization must be received from the customer and documented including the estimated price of repairs, the date, time, name of person approving the estimate and the telephone number at which the person was contacted.

A customer must be provided with an estimate and the shop cannot begin any repair work until the shop receives the customer's written authorization. The authorization must contain:

- The customer's signature;
- The nature of the repair requested or problem presented by the customer; and
- The vehicle's odometer reading.

If the customer drops-off the vehicle during other than normal working hours or has another person drop-off the vehicle, then an oral authorization from the customer is sufficient to proceed with repairs. The oral authorization can be for an amount “not in excess of a specific dollar amount” or an estimated price of repairs. An oral authorization must be documented by a notation on a repair order or invoice with the date, time and name of the person approving the estimate or granting authorization and the telephone number at which the person was contacted.

If for an unexpected reason, the cost of a repair is going to exceed the price estimate, then the shop must obtain the customer's consent before proceeding with the additional repairs. If the authorization is given orally the shop must make a notation on the repair order and on the invoice of the date, time, name of person authorizing the additional repairs and the telephone number at which they were contacted.

N.J.A.C. §§ 13:45A-26C.2(a)(3), (6)

Filter Recycling and Disposal

New Jersey follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

Fluid Disposal

Requirements Relating to Used Motor Oil (13:1E-99.36)

Under New Jersey law, retail service stations with used oil collection tanks on the premises are considered “used oil collection centers.” As such, they must be registered or recognized by the county or municipality to manage used oil. Additionally, they must post a durable and legible sign at least 11” x 15” in size which informs the public that it is a collection site for the disposal of used oil. The sign must be posted on the outside wall of the collection center and must be at least 4 feet above the ground at its lowest point and not higher than 8 feet above the ground at its highest point. The language on the sign must be at least 1” in height and contain the following statements:

- “USED OIL COLLECTION CENTER”
- “RECYCLE YOUR USED MOTOR OIL HERE”
- “LIMIT: _____” (if the collection center sets a limit on the amount of used oil accepted, it must be displayed on the sign)
- “FEE: _____” (if the collection center charges a fee for this service, the fee must be displayed as part of the sign).

Invoices

Upon completion of repairs a shop is required to provide a customer with a written invoice. The invoice must contain all parts and labor itemized separately. It must also clearly state whether any parts used in the repair were new, rebuilt, reconditioned or used. The customer must also be provided a copy of all warranties and guarantees that accompany the repair or service, including the duration of the warranty or guarantee. The shop must also disclose the manner in which the warranty or guarantee will be honored, for example, by repair, replacement or refund as well as the guarantor’s name and address.

N.J.A.C. §§ 13:45A-26C.2(a)(8)-(9)

Licensing and Registration

Local jurisdictions have the power to license automobile garages. Auto body repair shops must obtain a license. The Division of Consumer Affairs has specific registration requirements for facilities authorized to perform emission-related repairs. The Division of Motor Vehicles licenses emission testing. No regulation for repair shops.

N.J. Stat. §§40:52-1.e, 39:13-2, 39-8-53

Mechanic Certification

The Division of Consumer Affairs has specific certification requirements for repair technicians who perform emission-related repairs. The Division of Consumer Affairs advises consumers to look for repair shops that are accredited by the Motorist Assurance Program. The Division also suggests that consumers ask if mechanics are ASE certified.

N.J. Stat § 39:8-53

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

If a customer requests, the shop is required to return replaced parts to the consumer. A shop is not required to return parts that are impractical to return because of their size or that are required to be returned to a distributor or manufacturer due to a warranty or other agreement.

N.J.A.C. § 13:45A-26C.2(a)(7)

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, New Jersey law prohibits businesses from making an untrue or misleading written or oral statement which is known or with a reasonable amount of care, should be known to be untrue or misleading. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

Specifically Prohibited Practices

- Making an untrue or misleading written or oral statement which is known or with a reasonable amount of care, should be known to be untrue or misleading;
- Beginning work without providing an estimate or authorization to begin;
- Failing to provide a customer with a copy of any receipt or document that the customer has signed;
- Making deceptive or misleading statements to induce a customer to authorize a repair or service; and
- Charging a customer in excess of a price estimate, without customer approval.

State Battery Recycling and Fees

Retailers of new lead acid batteries are required to accept a used lead acid battery in connection with the sale of a new lead acid battery. However, there is no mandatory state battery fee.

Retailers must also post, at or near the point of sale, a legible notice to consumers, not less than 8.5" x 11" in size that contains the state recycling symbol and the following language:

"Lead acid batteries can be recycled here. It is illegal to discard an automotive or marine lead acid battery in New Jersey. State law requires us to accept and recycle any used automotive or marine lead acid battery returned to us, in exchange for the purchase of a new lead acid battery."

N.J. Stat. §§ 13:1E-201, 13:1E-204

Tire Recycling and Disposal (Including Fees)

Regulations at NJAC 7:26A address solid waste recycling and contain provisions relating to scrap tire recycling. Tires must be taken to permitted solid waste facilities, approved tire recycling centers, or sites operating pursuant to an exemption from the recycling center approval process. The methods of processing tires that may be approved by the Department are limited to slicing, shredding, chipping, crumbing or other activities as determined by the Department. Incineration, landfilling, and abandonment of tires is expressly prohibited.

New Jersey law requires retailers of new tires to charge a post-tax fee of \$1.50 per tire upon the sale of new motor vehicle tires. Only sales of new tires that are subject to sales and use tax are subject to the fee. The fee is to be collected by the retailer and paid to the New Jersey Division of taxation on a quarterly basis. The fee is imposed post-tax and must be separately stated on all bills, receipts, invoices, or similar documents provided to the customer. Therefore, it cannot be included in calculating shop fees. There is no express prohibition against charging additional tire disposal fees or including such fees in calculating shop fees.

N.J. Stat. § 54:32F-1; N.J.A.C. 7:26A-3.8

Warranties

Customers are entitled to a written copy of any guaranty offered by a repair facility.

NJAC 13:45a-26c, 1 and 2

New Mexico

Additional Notices/Disclosures

Auto repair shops must post the major provisions of its warranty policy in a prominent and conspicuous location within the repair facility and provide any person who has purchased automotive repair services with a written warranty or statement that there is no warranty. Repair shops must also, upon the request of customers, make available the details of its warranty and return policies.

Repair shops must also disclose the method used to calculate labor charges, including any dollar figures used. This requirement can be met by posting a notice at a prominent and conspicuous location within the facility or by including the information on the customer invoice or estimate.

NMAC § 12.2.6.9

Advertising

New Mexico does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

New Mexico law generally requires repair facilities to provide customers with written estimates and obtain authorization before beginning any repair work. However, if the customer is not present at the time the estimate is finalized, the repair facility may obtain oral approval from the customer after providing full disclosure of the content of the written estimate. Additionally, if there is a diagnostic fee, the repair facility must disclose the basis for calculating the fee.

Oral Authorization Requirements

If a customer gives oral authorization to perform the repairs, the customer must be given a copy of the written estimate no later than the time he or she picks up the vehicle. Additionally, the following must be documented on the written estimate:

- Who authorized the repairs;
- The phone numbers at which they were contacted;
- Exactly what repairs were authorized; and
- The time, date and name of the person obtaining the authorization.

Additional Repairs or Charges

Repair shops must obtain authorization to perform additional repairs if the repairs exceed the estimate by the greater of ten percent (10%) or fifty dollars (\$50). However, if the additional repairs are authorized and paid for by an insurance company, no customer authorization is necessary.

Waiver

Consumers may choose to sign a waiver relieving the facility of the estimate responsibilities and requirements when they initially leave the automobile for repair. However, a consumer must be made fully aware of the consequences of his or her waiver, and the waiver must include a brief explanation of the privileges he or she has waived.

NMAC § 12.2.6.10(A), 12.2.6.11

Filter Recycling and Disposal

New Mexico follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. New Mexico recommends that used oil filters be hot-drained for 24 hours before disposing of in a landfill.

40 CFR 261.4(b)(13)

Invoices

The customer must be provided with an invoice stating in detail:

- All repairs completed;
- All parts and material used, including disclosure of whether the parts used were used, rebuilt or aftermarket crash parts; and
- If any repair is sublet, the sublet repairs must be marked "sublet" on the customer's invoice.

No itemization is required if the charge for parts and materials is \$50 or less.

NMAC § 12.2.6.10©

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

Repair facilities must keep replaced parts for customer inspection. Customers may retain the parts if they so desire, unless the specific manufacturer requires that the part be returned or if the part is hazardous to the environment. If the customer desires removed parts that involve a core, the customer will be responsible for the core charge. A repair facility is not required to keep parts if disposal or special handling is required by law or after the vehicle has been released to the customer.

NMAC § 12.2.6.12(B)

Record Retention

New Mexico's administrative code provides for a self-regulation program which must include an enforcement procedure that the Attorney General determines to be fair and impartial. The programs must report the outcome of any consumer complaints to the Attorney General within 45 days of the complaint and must receive a full report detailing all complaints at least annually. The records of the program must be available for inspection and copying by the Attorney General.

12.2.6.14 NMAC

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. If the customer is charged more than \$50 total for parts and materials, all parts and materials fees must be itemized in the invoice. Additionally, all businesses must comply with New Mexico's Consumer Protection Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

NMAC § 12.2.6.10©

State Battery Recycling and Fees

No Statutes/Regulations available at this time

Tire Recycling and Disposal (Including Fees)

There is a state tire disposal fee in New Mexico. However, unlike most other states, which assess the fee on the sale of each new tire, New Mexico imposes a \$1.50 tire disposal fee for each new certificate of title or duplicate of a certificate of title issued. As such, retailer sellers of tires have no collection obligations.

New Mexico law does not expressly prohibit charging customers additional tire disposal fees or including such fees in calculating shop fees.

N.M. Stat. Ann. §§ 66-6-2, 66-6-4

Warranties

See Additional Notices/Disclosures (above)

New York

Additional Notices/Disclosures

The following signs are all required:

Indoor Repair Shop Sign

All registered repair shops, except for those registered only to perform appraisal work in connection with insurance, must post an indoor sign in a location where customers are likely to see it. The sign will be furnished by the Commissioner of Motor Vehicles.

Outdoor Repair Shop Sign

All repair shops must also post an outdoor repair shop sign at least 2 feet by 3 feet in size which is made of durable material which will withstand the outdoor elements. The sign must be hung or mounted in such a manner that it is visible to the public.

Labor Charge Sign

Repair shops must also post a sign at least 8.5" x 14" stating how its labor charge is computed. This sign is to be posted next to the official indoor repair shop sign.

Storage Costs

Customers may not be charged for storage unless notice is given to the customer in writing. This notice requirement can be satisfied by a statement on the estimate or other document given to the customer, by letter or by other written means which gives the customer actual notice.

15 NYCRR § 82.5(d)

Additional Resources

Illustrations of all required signs are available at: <http://www.nysdmv.com/forms/cr82.pdf>

Advertising

New York does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Additionally, any retail advertisement that lists a tire price which does not include waste tire management and recycling costs shall contain one of the following statements conspicuously located in or on the advertisement and in the same font as the advertised price of the tire: "Additional fees relating to tire management and recycling costs may apply," or, "We charge a separate per-tire charge of \$ [-----] on each new tire sold that will be listed on your invoice to cover our waste tire management and recycling costs where applicable." Where the latter statement is used, it shall list the amount of the separate per-tire charge.

NY CLS ECL § 27-1905

Equipment

Repair shops must have adequate equipment and facilities to perform the services it offers. Repair shops servicing air conditioning systems must have approved refrigerant recycling equipment.

15 NYCRR §§ 82.13(b), 82.5 (m)

Estimates

If requested by the customer, repair shops must provide written estimates for parts and labor for each specific repair or service offered. Repair shops may not charge for work done or parts supplied in excess of the estimate without the consent of such customer. The repair shop may charge a reasonable fee for making an estimate. The estimate must contain the following information:

- The customer's name;
- The name and facility number of the repair shop;
- The date of the estimate;
- A list of parts necessary for each specific repair and the costs for each part;
- An indication which, if any, parts that will be supplied are not new parts of at least original equipment quality;
- The labor charges for each repair together with the costs of each labor charge;
- The year, make, and registration plate number or vehicle identification number of the vehicle;
- A description of the problem reported by the customer; and
- A statement informing the customer of his right to receive replaced parts if the customer makes a written request for such return.

Authorization / Work Order Requirements

Repair shops may not perform any services not authorized by the customer by a work order. If the repair shop prepares a written work order, a copy must be given to the customer. If the customer gives an oral work order, the following must be noted on the invoice:

- The time, date and manner of authorization
- The person who gave the authorization

15 NYCRR § 82.5(a) and (b)

Filter Recycling and Disposal

New York follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. Terne-plated used oil filters may be required to be handled as a hazardous waste and are subject to a Toxicity Characteristic determination.

40 CFR 261.4(b)(13)

Fluid Disposal

New York law requires service establishments and retail establishments selling motor oil to accept, at no charge, up to 5 gallons per day of used motor oil from any consumer during its normal business hours.

Service establishments and retail establishments selling motor oil must also post a conspicuous sign, viewable to the public, which states: "WE ACCEPT USED OIL FOR RECYCLING AT NO CHARGE."

NY CLS ECL § 23-2307

Invoices

Invoices must contain the following information:

- The name, address and facility number of the repair shop;
- The date of the invoice;
- The date the vehicle was presented to the repair shop for repair or services;
- A list of all parts supplied and labor performed, including the cost for each such part and labor;
- A notation indicating the status of any part used which is not new and of at least original quality (i.e. used, rebuilt, etc.);
- The odometer reading on the vehicle at the time it was left with the repair shop and the odometer reading at the time the invoice was prepared;
- A promised date of delivery, if any such date was given;
- The name of the customer;
- The year, make, and plate number and/or vehicle identification number of the vehicle;
- The terms and time limit of any guarantee for the repair work performed;
- A description of the problem reported by the customer; and
- The repair shop registration number.

Inflatable Restraint Systems

If the inflatable restraint system is replaced, the invoice must indicate the name and tax identification number from whom the inflatable restraint was purchased. If such system is a salvage unit, the invoice must also state the dismantler's registration number, the vehicle identification number of the vehicle from which the unit came and the part number from the salvage inflatable restraint system. The invoice must indicate "salvage inflatable restraint system" if a salvage unit was used. The insurer and consumer each must receive a copy of the purchase invoice for the replacement inflatable restraint system. A repair performed under warranty requires an invoice which complies with these requirements.

If Body Parts Used in Repair

If body parts were used in the repair, the invoice must indicate if each such part is a new original equipment manufacturer part, a new aftermarket equipment manufacturer part or a used part. A statement on an invoice that all body parts are in one of the three classes except as otherwise indicated complies with this requirement.

15 NYCRR § 82.5©

Licensing and Registration

Every motor vehicle repair shop is required to be registered with the Department of Motor Vehicles. Applications must include the repair shop's sales tax number, either a letter from the municipality where the repair shop is located indicating compliance with zoning, planning, fire, and building regulations and codes or a letter from the municipality indicating it has no such codes or proof that a registered repair shop is or was operating at that location. A nonrefundable \$10 fee must be submitted with the application. In addition, a \$150 registration fee, valid for 2 years, shall be submitted for each repair shop location to be registered. The fee shall be returned if the application for such location is denied.

15 NYCRR § 82.3(a) and (d)

Mechanic Certification

Repair shops must have personnel competent to perform the services it offers.

15 NYCRR § 82.13(b)

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

As indicated above, the estimate must contain a statement informing the customer of his right to have replaced parts returned upon completion of the repairs. If the customer exercises this right by making a timely written demand, the repair shop must return the replaced parts to the customer. If work is authorized over the telephone, it is presumed that the customer wants his parts returned and the repair shop shall keep such parts until the customer retrieves the motor vehicle. Customers may not waive their rights to replaced parts over the telephone.

These requirements do not apply to parts, components or equipment normally sold on an exchange basis or subject to a manufacturer's warranty.

15 NYCRR § 82.5(d)

Record Retention

Each motor vehicle repair shop must maintain copies of estimates, work orders, invoices, parts, purchase orders and appraisals prepared by that repair shop. Such copies shall be kept for two years and shall be available for inspection by the commissioner or his designee during all business hours.

A repair shop which removes or installs inflatable restraint systems shall maintain a bound log book to account for inflatable restraint repairs containing:

- Date of installation;
- Vehicle identification number (VIN);
- Registration plate number;
- Make and model; and
- Replacement inflatable restraint's part number.

If a salvage inflatable restraint system is used, the following information must also be included:

- VIN of the vehicle from which the replacement inflatable restraint system was salvaged; and
- The name, tax identification number and registration number of the dismantler from whom the salvaged restraint system was purchased.

If a new inflatable restraint system is used, the name and tax identification number of the supplier must also be included.

15 NYCRR § 82.9

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with New York's general consumer protection laws. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

New York law requires retailers of lead acid batteries to accept up to 2 used lead acid batteries per calendar month from any individual at no charge. Retailers, however, must charge a \$5 fee if a customer purchases a new battery and does not exchange a used battery. This fee must be returned if the customer returns a used battery within 30 days of the purchase. If the customer does not return a used battery, the retailer may keep the incentive fee.

Retailers must inform their customers of their obligation to refund the charge and post a sign containing the universal recycling symbol and the following language:

"IT IS ILLEGAL TO DISCARD VEHICLE BATTERIES. STATE LAW REQUIRES US TO ACCEPT VEHICLE BATTERIES AT NO CHARGE FOR RECYCLING."

NY CLS ECL § 27-1701

Tire Recycling and Disposal (Other)

Notice Requirements

Until December 31, 2010, retailers must post written notice at least 8.5" x 14" in size in a prominent location of the store containing the following language:

- "New York State law requires us to accept and manage waste tires from vehicles in exchange for an equal number of new tires that we sell or install. Tire retailers are required to charge a separate and distinct waste tire management and recycling fee of \$2.50 for each new tire sold;" and
- "The retailers in addition are authorized, at their sole discretion, to pass on waste tire management and recycling costs to tire purchasers. Such costs may be included as part of the advertised price of the new tire, or charged as a separate per-tire charge in an amount not to exceed \$ 2.50 on each new tire sold."

The written notice must also contain one of the following statements at the end of the aforementioned language:

- "Our waste tire management and recycling costs are included in the advertised price of each new tire;" or
- "We charge a separate per-tire charge of \$ [-----] on each new tire sold that will be listed on your invoice to cover our waste tire management and recycling costs."

NY CLS ECL § 27-1905

Disposal of tires in landfills is prohibited. State Regulations for Solid Waste regulate waste tire storage and processing facilities. Waste tire storage requirements depend upon number of waste tires sold. No person shall engage in storing 1,000 or more waste tires at a time without a permit. Storage permit requirements cover waste tire pile size, dimensions and fire controls. Disposal of whole tires in any landfill is prohibited.

NY CLS ECL § 27-1911; 6 NYCRR § 360-13.1 et seq.

Tire Recycling and Disposal Fees

Mandatory Fee

Until December 31, 2010, tire retailers must collect a tire disposal fee of \$2.50 per tire for each new tire sold. However, the fee does not apply to:

- (1) recapped or resold tires;
- (2) mail-order sales; or
- (3) the sale of new tires to a person solely for the purpose of resale (so long as the subsequent sale of the tire is subject to the fee).

Retailers are to remit the fees to the Department of Taxation and Finance on a quarterly basis, and may deduct a \$.25 collection fee for each tire sold. The returns must be made by the last day of the month following each quarter and must include the following information:

- The name of the tire service;
- The address of the tire service's principal place of business and the address of the principal place of business (if that is a different address) from which the tire service engages in the business of making retail sales of tires;
- The name and signature of the person preparing the return;
- The total number of new tires sold at retail for the preceding quarter and the total number of new tires placed on motor vehicles prior to original retail sale;
- The amount of waste tire management and recycling fees due; and
- Such other reasonable information as the department of taxation and finance may require.

Copies of each report must be retained by the tire retailer for 3 years.

The state tire fee must be stated as an invoice item separately and distinctly from the selling price of the tire or other fees. As such, it may not be included in calculating shop fees.

Additional Fees

New York law expressly permits retailers to charge additional tire disposal fees as part of the price of the new tire or charged as a separate per-tire charge on each new tire sold. If the fee is imposed on a per-tire basis, the following criteria must be met:

- The charge must be stated as an invoice item separate and distinct from the selling price of the tire;
- The invoice shall state that the charge is imposed at the sole discretion of the tire service; and
- The amount of such charge shall reflect the actual cost to the tire service for the management and recycling of waste tires accepted by the tire service (max of \$2.50).

Thus, additional fees are permitted but may not exceed \$2.50 per tire and may not be included in calculating shop fees.

NY CLS ECL § 27-1913

Warranties

No Statutes/Regulations available at this time

North Carolina

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Advertising

All service and repair facilities must disclose in advertisements for specified services or repairs of private passenger vehicles all additional charges routinely charged for that service or repair. This requirement does not include any fees or taxes required by law. (Double check this)

North Carolina Motor Vehicle Repair Act [1999 Ratified Senate Bill 830] § 66-280

Estimates

A written estimate is required to be prepared for any repair that is anticipated to cost the customer more than \$350. An exception to this requirement is if the repairs will be paid for by a third party under the terms of an insurance policy, service contract, mechanical breakdown contract, or manufacturer warranty and the third party waives the estimate and indicates that the cost of repairs for the consumer will not exceed \$350.

A customer may waive his or her right to receive a written estimate. The waiver must be in writing. It is a violation of the MVRA to require, or to make a threat to induce, a person to waive the right to an estimate as a condition of performing repairs. Before preparing an estimate the shop must disclose the cost, if any, of preparing the estimate and, if there is a charge, obtain the customer's written authorization to prepare the estimate.

The estimate must be given to the customer before the repair work begins and must contain the total cost of repair, including:

- The cost of diagnostic work;
- A statement allowing the consumer to indicate whether replaced parts should be saved for inspection or returned; and
- A statement indicating the daily charge for storing the customer's vehicle after the customer has been notified that the repair is complete.

If the shop subsequently determines that the actual cost of repair will exceed the estimated amount of repair by more than 10% of the estimate, the shop must notify the customer. The customer may be notified orally or by other means such as e-mail or regular mail.

If the customer drops-off their vehicle when the shop is closed; if the shop believes that it cannot make an accurate estimate of the cost of repairs until after it completes diagnostic work; or if the customer allows a third person to drop-off the vehicle to the shop, then there is an implied partial waiver to the estimate requirement and the customer may be notified by means other than a formal estimate, such as by telephone, e-mail, or regular mail.

If a customer cancels the order for repair or decides not to have the vehicle repaired because the cost exceeds the estimate by more than 10% or after diagnostic work has been completed; the shop must expeditiously reassemble the vehicle in a condition reasonably similar to the condition in which it was received. The shop may charge, and the customer would be obligated to pay, the cost of repairs actually completed that were authorized by the written repair estimate as well as the cost of the diagnostic work and teardown, the cost of parts and labor to replace items that were destroyed by teardown, and the cost to reassemble the component or the vehicle; provided the customer was notified of these possible costs in the written repair estimate or at the time the he or she authorized the shop to reassemble the vehicle.

It is a violation of the MVRA for the shop to refuse to return a customer's vehicle when a customer refuses to pay repair charges that exceeded the estimate by more than 10% or more than what the customer authorized, provided the customer has paid the shop for the amount of the estimate and any additional authorized charges.

N.C. Gen. Stat. §§ 20-354.3 through 20-354.5

Filter Recycling and Disposal



North Carolina follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. North Carolina requires that oil filters be effectively drained prior to disposal. Those filters with an anti-drain back valve should be punctured to remove oil. The state encourages people to contact their local solid waste landfill to find out if there are any local requirements stricter than state guidelines. The North Carolina Division of Waste Management strongly recommends recycling of used oil filters.

40 CFR 261.4(b)(13); 15A NCAC 13A.0006(b)

Invoices

Upon completion of repairs, the shop must give each customer an invoice. The invoice must be legible and include the following information:

- A statement indicating what was done to correct the problem or a description of the service provided;
- An itemized description of all labor, parts and merchandise supplied and its cost; and
- A statement identifying any replacement parts that are used, rebuilt or reconditioned

N.C. Gen. Stat. § 20-354.6

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

If the customer requests at the time repair work is authorized, the shop must return to the customer any replaced parts. The exception to this requirement is if the shop has a warranty arrangement or exchange parts program with a manufacturer, supplier, or distributor. In that case the shop is not required to return the parts, but must make them available for inspection. If a customer fails to pick-up replaced parts within two business days after taking delivery of the repaired vehicle, then the shop may discard the parts or sell them.

N.C. Gen. Stat. § 20-354.5(e)

Prohibited Practices

The MVRA provides a list of acts or practices that are specifically prohibited. They are:

- Charging for repairs that are not expressly or impliedly authorized by the customer;
- Misrepresenting that repairs have been made to a vehicle;
- Misrepresenting that certain parts and repairs are necessary to repair a vehicle;
- Misrepresenting that the vehicle being inspected or diagnosed is in a dangerous condition or that the customer's continued use of the vehicle may be harmful or cause great damage to the vehicle;
- Fraudulently altering any customer contract, estimate, invoice, or other document;
- Fraudulently misusing any customer's credit card;
- Issuing a written or oral statement which is untrue, deceptive, or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue, deceptive, or misleading;
- Making fraudulent promises that are likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of a vehicle;
- Substituting used, rebuilt, salvaged, or straightened parts for new replacement parts without notice to the customer and to his or her insurer if the cost of repair is to be paid pursuant to an insurance policy and the identity of the insurer or its claims adjuster is disclosed to the motor vehicle repair shop;
- Causing or allowing a customer to sign any work order that does not state the repairs requested by the customer;
- Refusing to give a customer a copy of any document requiring the customer's signature upon completion or cancellation of the repair work;
- Rebuilding or restoring a rebuilt vehicle without the knowledge of the owner in a manner that does not conform to the original vehicle manufacturer's established repair procedures or specifications and allowable tolerances for the particular model and year; and
- Performing any other act that constitutes fraud or misrepresentation.

N.C. Gen. Stat. § 20-354.8

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, the North Carolina MVRA prohibits businesses from issuing a written or oral statement which is untrue, deceptive, or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue, deceptive, or misleading. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of lead acid batteries are required to accept from customers, at the point of transfer or sale, used lead acid batteries. There is no mandatory state fee. Retailers must also post a sign at least 8.5" x 11" in size which contains the universal recycling symbol and the following language:

- "It is illegal to improperly dispose of a motor vehicle battery or other lead acid battery;"
- "Recycle your used batteries;" and
- "State law requires us to accept used motor vehicle batteries or other lead acid batteries for recycling in exchange for new batteries purchased."

N.G. Gen. Stat. § 130A-309.71

Tire Recycling and Disposal (Including Fees)

North Carolina requires each county to provide a place for disposal of scrap tires. Tires presented for disposal must be accompanied with a scrap tire certification form signed by generator and hauler. Counties are not allowed to impose tipping fees for tires that are certified as generated in North Carolina. Scrap tire collection sites are required to obtain a permit. The number of scrap tires stored at a scrap tire collection site must not exceed the stated number of scrap tires shipped off-site per month plus the stated number of scrap tires disposed of onsite per month. At no time can more than 60,000 scrap tires be stored. Tires must be shredded or sliced prior to landfilling.

North Carolina law requires retailers of new tires to impose and collect a privilege tax upon the sale of every new tire. The tax does not apply to recapped tires or tires sold for placement on newly manufactured vehicles. The amount of the tax is based on the size of the tire. Tires having a "bead diameter" of less than 20 inches are subject to a tax of 2% of the sale price. Tires having a "bead diameter" of 20 inches or more are subject to a tax of 1% of the sales price. These taxes are considered additional state sales taxes and are to be administered in the same manner as sales and use tax. As such, they may not be included in calculating shop fees. However, there is no express prohibition against charging an additional tire disposal fee or including such a fee in calculating shop fees.

N.G. Gen. Stat. §§ 105-187.16 through .18, 130A-309.51 et seq.; 15A N.C.A.C. 13B.1101 et seq.

Warranties

No Statutes/Regulations available at this time

North Dakota

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Additional Resources

ND Dept. of Health Management of Used Oil Filter Fact Sheet:
<http://www.ndhealth.gov/wm/Publications/ManagementOfUsedOilFilters.pdf>

Advertising

No Statutes/Regulations available at this time

Estimates

No Statutes/Regulations available at this time

Filter Recycling and Disposal

North Dakota follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. Please check with the local landfill authority regarding the acceptance of used oil filters by the landfill. Recycling is the recommended option for managing used oil filters.

40 CFR 261.4(b)(13)

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

No Statutes/Regulations available at this time

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with North Dakota's general consumer protection laws. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Sellers of lead acid batteries are required to accept used lead acid batteries from customers who purchase new batteries. North Dakota law does not impose a mandatory state fee or require retailers to post recycling notices.

N.D. Cent. Code § 23-29-05.2

Tire Recycling and Disposal (Including Fees)

Solid Waste Management rules have been adopted and went into effect December 1, 1992. The rules address scrap tire storage. Tire piles of more than 1,300 tires must be in compliance with regulations governing pile dimensions, control of access, fire control, run-on/run-off control systems and financial assurance. Tire piles of more than 1,300 tires must have a solid waste management permit. Tire piles with a base area exceeding 10,000 square feet must comply with liner requirements.

See N.D. Admin. Code Article 33-20, especially 33-20-02.1-02 (pertaining to permits)

Warranties

No Statutes/Regulations available at this time

Ohio

Additional Notices/Disclosures

Sign Posting Requirement [O.A.C. § 109:4-3-13(A)(2)]

Ohio requires that all repair shops post a sign that is “easily legible” and “clear and conspicuous” that contains the following language:

“NOTICE

IF THE EXPECTED COST OF A REPAIR OR SERVICE IS MORE THAN TWENTY-FIVE DOLLARS, YOU HAVE THE RIGHT TO RECEIVE A WRITTEN ESTIMATE, ORAL ESTIMATE, OR YOU CAN CHOOSE TO RECEIVE NO ESTIMATE BEFORE WE WORK. YOUR BILL WILL NOT BE HIGHER THAN THE ESTIMATE BY MORE THAN TEN PERCENT UNLESS YOU APPROVE A LARGER AMOUNT BEFORE REPAIRS ARE FINISHED. OHIO LAW REQUIRES US TO GIVE YOU A FORM SO THAT YOU CAN CHOOSE EITHER A WRITTEN, ORAL, OR NO ESTIMATE.”

The law does allow this disclosure to be given to a consumer in a form rather than posting a sign, provided that the disclosure is given to every consumer prior to initiating any repair or service.

Disclosure Of Warranty Restrictions [O.A.C. § 109:4-3-13(c)(16)]

If any portion of the service or repair will be performed by a person other than a shop owner or employee and the shop does not warranty that work, then the shop must let the customer know this fact, prior to beginning any work.

Advertising

Ohio does not impose specific advertising regulations on automotive repair facilities. The state’s general consumer protection advertising requirements apply.

Estimates (Face to Face Contact)

The supplier is required to notify the customer that they are entitled to an estimate for any repair or service that exceeds \$25.00. If the customer requests, the shop must give the customer a written or oral estimate.

Customer Drops-off Vehicle During Business Hours: (“Face-to-Face” Contact With The Customer)

The estimate must include:

- (1) the date;
- (2) the shop’s name;
- (3) the customer’s name and telephone number;
- (4) the anticipated completion date; and
- (5) if the customer requests the anticipated cost of repairs and services, the following disclosure must appear as the first disclosure on the estimate:

“ESTIMATE

YOU HAVE THE RIGHT TO AN ESTIMATE IF THE EXPECTED COST OF REPAIRS OR SERVICES WILL BE MORE THAN TWENTY-FIVE DOLLARS. INITIAL YOUR CHOICE:

_____ written estimate
_____ oral estimate
_____ no estimate”

Estimates (General)

If the customer chooses to receive an estimate, then the shop must provide the customer with the estimate as they request. If a customer has asked for a written or oral estimate, and once repair or service of the vehicle begins it appears that the cost will exceed the estimate by more than 10 percent of the original estimate, then the shop must obtain authorization from the customer before beginning the additional work. Additionally, if the initial cost of repairs or service was less than \$25.00, but once repair or service of the vehicle begins it appears that the cost will exceed \$25.00, then the shop must obtain authorization from the customer before beginning the repairs.

A shop is required to disclose to a potential customer if there will be a charge for disassembly, reassembly, or partially completed work should the customer initially authorize the repairs, but then choose not to have them completed. At the first meeting with the customer, the shop must also disclose if there are any other costs not directly related to the repairs or service such as diagnostic fees or shop charges.

In Lieu Of An Estimate

In lieu of providing a customer with an estimate as outlined above, prior to beginning any repairs, the shop may give the customer a written price quote which is binding for five days and says so on the quote.

O.A.C. § 109:4-3-13

Estimates (No Face to Face Contact)

Customer Drops-off Vehicle While Shop Is Closed (No Face-to-Face Contact With The Customer)

If the customer drops-off the vehicle when the shop is closed or has the vehicle dropped-off by a tow truck or by other means, then the shop must make available to the customer a form, in duplicate, with instructions directing the customer to keep a copy of the form. The form must contain the shop's name as well as the following information:

"ESTIMATE

YOU HAVE THE RIGHT TO AN ESTIMATE OF THE COST OF REPAIRS OR SERVICES WHICH YOU ARE REQUESTING. YOUR BILL WILL NOT BE HIGHER THAN THE ESTIMATE BY MORE THAN TEN PERCENT UNLESS YOU APPROVE A LARGER AMOUNT BEFORE REPAIRS ARE FINISHED. YOU CAN CHOOSE THE KIND OF ESTIMATE YOU WANT TO RECEIVE BY SIGNING YOUR NAME UNDER ONE OF THE FOLLOWING CHOICES AND INDICATING A TELEPHONE WHERE YOU CAN BE REACHED IF NECESSARY:

(a) written estimate

(Customer Signature)

(b) oral estimate

(Customer Signature)

(c) no estimate

(Customer Signature)

Customer name _____

Customer telephone number _____

Date _____"

Filter Recycling and Disposal

Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is: a) punctured through its dome end or its anti-drain back valve and hot-drained; or
b) hot-drained and crushed; or
c) dismantled and hot-drained; or
d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

OAC Ann. 3745-51-04(b)(13)

Invoices

When repairs are completed, the shop must provide the customer with an invoice that contains the following information: [O.A.C. § 109:4-3-13(C)(12)]

- An itemized list of repairs or service performed
- An itemized list and cost of parts or materials used
- The amount charged for labor
- A disclosure of whether any replacement part was used, remanufactured or rebuilt
- The total cost of repairs or service; and
- The identity of the person who performed the repairs or service.

Right To A Receipt [O.A.C. § 109:4-3-13(C)(14)]

When a customer drops-off a part or vehicle to the shop and if the customer requests, the customer has a right to a written receipt for the part or vehicle. The receipt must contain the name of the shop, the name and signature of the shop employee who accepted the part or vehicle, the date the part or vehicle was left with the shop, and a description of the part or vehicle.

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

The shop must offer to return replaced parts to the customer, unless the parts are to be rebuilt or sold by the shop or must be returned to the manufacturer under a warranty agreement. If the parts cannot be returned to the customer for one of these reasons, then the shop must disclose this to the customer before repairs begin.

O.A.C. § 109:4-3-13(C)(13)

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, the Ohio Consumer Sales Practices Act prohibits deceptive advertising. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of lead acid batteries are required to accept used lead acid batteries from customers who purchase new batteries. There is no mandatory state battery fee. Retailers must also conspicuously post a sign in close proximity to the location in which lead acid batteries are displayed for sale. The sign must be at least 8.5" x 11" in size, use at least 30-point font, and contain the universal recycling symbol and the following language:

- "It is illegal to discard a used lead acid battery."
- "Recycle your used batteries."
- "State law requires us to accept used lead acid batteries for recycling in exchange for new batteries purchased."

ORC Ann. §§ 3734.912, 3734.914

Tire Recycling and Disposal (Including Fees)



Ohio has comprehensive legislation pertaining to the regulation of scrap tire collection, storage, transportation, recovery, monofill, and monocell facilities. Sellers and other generators are required to utilize registered facilities for transportation/disposal of the scrap tires they generate. Storage and recovery facilities must post financial assurance to cover the costs of closure. Individual storage piles are limited to 2,500 square feet in base area and 14 feet in height. Fire lanes at least 50 feet wide are required on all sides of outdoor storage piles. A registered storage facility is limited to 10,000 square feet of scrap tire storage. Mosquito control is required of all scrap tire transporters and scrap tire facilities.

Under Ohio law, the state tire fee is paid by wholesalers unless the retailer acquires the tires from a person who is not registered with the tax commissioner as a wholesaler, in which case the retailer is liable for the fee. The total fee to be imposed is \$1 per tire and ends on June 30, 2011.

The fees are to be paid on the 20th day of the month following the month the fees are collected using a return prescribed by the tax commissioner. The person filing the return or an authorized employee, officer or agent is required to sign the return.

There is no express prohibition against businesses charging an additional tire disposal fee or including such a charge in calculating shop fees.

ORC Ann. § 3734.70 et seq. ORC Ann. § 3734.901 et seq.

Warranties

No Statutes/Regulations available at this time

Oklahoma

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Advertising

No Statutes/Regulations available at this time

Estimates

No Statutes/Regulations available at this time

Filter Recycling and Disposal

Oklahoma follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past, (terne must be tested to determine if lead is present at a hazardous waste level of 5.0, if greater than mg/e (TCLP) the filters must be managed as hazardous waste). Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. Facilities must submit a one time notification/certification form to the DEQ for any amount of filters being disposed in the trash if the amount is disposed in quantities of 10 cubic yds per month or greater. This form is found on the DEQ website: www.deq.state.ok.us (Click on the following: Land Protection, Solid Waste Compliance & Inspection Section, Solid Waste Forms, and Non-Hazardous Industrial Waste Disposal Form).

40 CFR 261.4(b)(13)

Fluid Disposal

All persons selling motor oil to end-use consumers must post and maintain a sign at or near the point of display or sale to inform the public of the location of the nearest used oil collection center.

27A Okl. St. § 2002

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

No Statutes/Regulations available at this time

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Oklahoma's Deceptive Trade Practices Act. Therefore, any advertisements containing a price for a service must also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of lead acid batteries are required to accept used lead acid batteries from consumers for recycling. They must also post a sign near or at the point of display or sale informing the public that such batteries are accepted for recycling. There is no mandatory state battery fee.

27A Okl. St. § 2002



Tire Recycling and Disposal (Including Fees)

A site storing, collecting or disposing of more than 50 tires must be permitted by the State Department of Environmental Quality. This does not apply to tire manufacturers, retailers, wholesalers, or retreaders who store 2,500 or fewer used tires. Tires must be cut before being disposed of in a landfill.

Oklahoma law imposes a tire recycling fee on the sale of each new tire sold as well as whenever a motor vehicle is first registered in Oklahoma. Tire retailers are responsible for the collection and remittance of the fee imposed on the sale of new tires. The amount of the tire recycling fee is as follows:

- \$1 per tire if the rim diameter is 17.5 inches or less;
 - \$2.50 per tire if the rim diameter is greater than 17.5 inches but less than or equal to 19.5 inches;
 - \$3.50 per tire if the rim diameter is greater than 19.5 inches; and
 - \$1 if the tire is to be used on a motorcycle, motor-driven cycle or a motorized bicycle.
- Tires used on implements of husbandry and agricultural equipment that are not more than fourteen (14) inches wide and forty-four (44) inches in diameter shall be assessed a waste tire recycling fee of five cents (\$0.05) per pound of the weight of the tire, with a minimum fee of Two Dollars and fifty cents (\$2.50) per tire.
 - Beginning July 1, 2013: Tires used on implements of husbandry and agricultural equipment that are any size shall be assessed a waste tire recycling fee of five cents (\$0.05) per pound of the weight of the tire, with a minimum fee of Two Dollars and fifty cents (\$2.50) per tire.

No fees are to be assessed for used or retreaded tires as long as the dealer can document that the recycling fee was previously paid. Tire retailers are permitted to keep 2.25% of the total fees collected and must remit the remaining amount in the same manner as they remit sales tax.

Oklahoma law does not expressly prohibit charging additional tire disposal fees or including either in calculating shop fees.

27A Okl. St. § 2-11-401.1 et seq.

Warranties

No Statutes/Regulations available at this time

Oregon

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Additional Resources

Used Oil Generator Fact Sheet: <http://www.deq.state.or.us/lq/pubs/factsheets/hw/UsedOilGenerators.pdf>

Advertising

Oregon does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Crash Parts

If crash parts to be used in the repair work are supplied by the original equipment manufacturer, the parts must be accompanied by a warranty that guarantees the customer that the parts meet or exceed standards used in manufacturing the original equipment.

If crash parts to be used in the repair work are not supplied by the original equipment manufacturer, the estimate shall include a statement that says:

“This estimate has been prepared based on the use of a motor vehicle crash part not made by the original equipment manufacturer. The use of a motor vehicle crash part not made by the original equipment manufacturer may invalidate any remaining warranties of the original equipment manufacturer on that motor vehicle part. The person who prepared this estimate will provide a copy of the part warranty for crash parts not made by the original equipment manufacturer for comparison purposes.”

ORS § 746.292(3)

Estimates

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.

ORS § 646A.482

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.

ORS § 646A.486

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.

ORS § 646A.495

Filter Recycling and Disposal

Oregon follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

a) punctured through its dome end or its anti-drain back valve and hot-drained; or

b) hot-drained and crushed; or

c) dismantled and hot-drained; or

d) hot-drained using an equivalent method to remove used oil. Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. Oregon requires that used oil filters be hot-drained for 12 hours. Oregon requires solid waste facilities that accept more than 30 gallons of used oil filters at a time include management procedures for these filters in their solid waste management plans.

40 CFR 261.4(b)(13); OAR 340-111-020

Invoices

Before receiving final payment, repairs shops must provide a copy of the estimate (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.

ORS § 646A.482

Licensing and Registration

Oregon Revised Statutes Chapter 822.200 requires businesses that engage in towing for profit to hold a certificate issued by the Oregon Department of Transportation.

Other Mandatory State Fees

Parts Return

No Statutes/Regulations available at this time

Record Retention

Must maintain copies of all required documents (estimate, invoice, etc.), in electronic or printed form, for at least one year

ORS § 646A.490(2)(b)

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Oregon's Unlawful Trade Practices Act. Therefore, any advertisements containing a price for a service must also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of lead acid batteries are required to accept used lead acid batteries from customers who purchase new batteries. However, there is no mandatory state battery fee. Retailers must also post a clearly visible sign in each area where lead acid batteries are sold stating that:

- Lead acid batteries cannot be disposed of in household solid waste or mixed municipal waste, but must be recycled; and
- The dealer will accept used lead acid batteries of the same type sold by the dealer.

Retailers are allowed to charge a fee to customers who do not turn in a used lead acid battery when purchasing a new one. If the retailer chooses to do so, the retailer must include a statement on or near the required sign advising potential customers that the dealer charges a fee if the customer does not provide a used lead acid battery for trade-in.

ORS §§ 459.422, 459.426

Tire Recycling and Disposal (Including Fees)

Waste tire generators must dispose of the tires by having them transported by a licensed waste tire carrier or by delivering them to a licensed waste tire storage site. Any person who generates waste tires shall maintain a written record of the disposition of the waste tires including:

- (1) Receipts indicating the disposition of the waste tires;
- (2) the name and permit number of the waste tire carrier to whom waste tires were given for disposal;
- (3) the name and location of the disposal site where waste tires were taken, including the date and number of waste tires; and
- (4) any other information the department may require. These records must be made available to the state upon request.

Generally, a permit is required to store more than 100 waste tires. However, the following entities are not required to obtain a permit:

- (1) a solid waste disposal site permitted by the Department of Environmental Quality if the permit has been modified by the department to authorize the storage of tires;
- (2) a tire retailer with not more than 1,500 waste tires in storage;
- (3) a tire retreader with not more than 3,000 waste tires in storage so long as the waste tires are of the type the retreader is actively retreading; or
- (4) a motor vehicle dismantling business issued a certificate under ORS 822.110 with not more than 1,500 waste tires in storage.

Whole tires have been banned from landfills.

ORS § 459.705 et seq.

Warranties

See "Crash Parts" section (above)

Pennsylvania

Additional Notices/Disclosures

The shop must display in a place likely to be seen by the customer or disclose in a form initially given to the customer the following:

- That the customer has the right, upon request, to inspect replaced parts or have them returned;
- Whether a part is new, used, reconditioned or rebuilt;
- Under what condition a shop will impose storage charges and how much they are; and
- Whether there is a charge for an estimate or diagnosis and how much.

37 Pa. Code §§ 301.5(4)

Advertising

The following are unfair or deceptive acts or practices:

- The use of different type, size, style, location, sound, lighting or color, so as to obscure or make misleading a material fact in an advertisement or sales presentation;
- The misrepresentation in any way of the size, inventory or nature of the business, expertise of the repair facility;
- The misrepresentation of the ability to offer price reductions;
- The use of an advertisement or sales presentation as part of a plan or scheme not to sell the services advertised or not to sell them at the advertised price (see code section for list of things that will be considered conclusive evidence of violating this prohibition);
- The failure or refusal to sell goods or services under terms or conditions, including price or warranty, which a motor vehicle repair shop has advertised or otherwise represented;
- The representation in an advertisement or sales presentation that motor vehicle goods or services are of a particular style, model, standard, quality or grade if they are of another or if the representation conflicts with a required written notice or disclosure;
- The making of a representation or statement of a fact in an advertisement if the advertiser knows or should know that the representation or statement is false and misleading or if the advertiser does not have sufficient information upon which a reasonable belief in the truth of the representation could be based;
- The advertising services in which the advertisement does not disclose the business name and address of the advertiser;
- Advertising a price for a service unless the price includes charges of any type which are necessary or usual, including all parts and labor;
- Advertising in which the advertisement states directly or by implication that the price of the maintenance or repairs advertised is a reduction from the usual price, including but not limited to those advertisements which contain either a specific dollar amount of reduction or a percentage of reduction from usual selling price, unless the price from which a reduction is indicated is the usual price at which the advertised goods or services, or both, have been sold or offered for sale. The terms "sale," "discount," "price cut," "special," "savings," and other similar words or phrases indicate a price reduction advertisement;
- Advertising a price reduction in the sale of maintenance or repair services unless the advertised sale price constitutes a bona fide substantial reduction from the usual selling price or the advertisement discloses the actual dollar amount of reduction or percentage of reduction;
- Advertising a price reduction without maintaining records necessary to establish the usual selling price of goods or services upon which the price reduction is advertised. The records must be maintained for 60 days following the termination of the offer;
- Advertising goods and services with the intent not to meet reasonably expected public demand unless the advertisement discloses a specific limitation of quantity;
- Advertising a sale or promotion unless the advertisement clearly and conspicuously discloses the expiration date, if any, and other conditions of the sale or promotion, including but not limited to whether the supply is limited and, if so, in what manner;
- The use in an advertisement or sales presentation of the term "satisfaction guaranteed or your money back," "free trial period," or other similar phrases when the advertiser or salesperson does not intend to promptly make a full refund or fails to make full refund within a reasonable period of time not to exceed 5 days. A reasonable conditions or limitations on such offer must be clearly and conspicuously disclosed at the time of making the offer;
- Advertising a "tune-up" on a motor vehicle unless the specific work to be performed is set forth and, if a price is advertised, unless the advertisement clearly and conspicuously discloses whether the advertised price includes parts or labor, or both.

37 Pa. Code §§ 301.2

Estimates

Shops are required to prepare a written estimate for a customer and must give a copy of the estimate to the customer. No repairs or service may begin on the vehicle until the customer approves. If the cost of repairs will exceed the estimate, then the shop must obtain the customer's approval for the additional repairs before the shop starts the additional repairs. Repair work may begin without disclosing a specific cost of repairs, provided the customer is told the hourly labor rate before repairs begin.

A written estimate must contain:

- The name and address of the customer as well as the telephone number where they can be reached;
- The date and approximate time the vehicle was dropped-off to the shop;
- The year, make and registration number of the vehicle;
- The odometer reading of the vehicle; and
- The specific repairs requested by the customer or a description of the problems the customer is experiencing with the vehicle.

When authorization to perform repairs is given verbally by a customer, the shop must make a record of this fact and keep the record on file. The record must contain:

- The date and time the authorization was received;
- The name of the employee who received the authorization;
- The name of the person who gave the authorization;
- A description of the exact authorization received; and
- If the authorization was received over the telephone and the shop placed the call, the telephone number called.

If the shop cannot provide an estimate at the time the vehicle is dropped-off because of the need for diagnostic work, the shop was closed when the vehicle was dropped-off or any other reason, no repairs may be performed until the customer is notified of the exact nature of the repairs to be performed and the total price to be charged, including parts and labor. The customer must provide oral or written authorization for the repairs.

37 Pa. Code §§ 301.5(2)-(5)

Filter Recycling and Disposal

Pennsylvania follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

Invoices

Upon completion of the repairs or service, the shop must provide the customer with a written invoice. The invoice must contain the following information:

- The date;
- The name and address of the shop;
- The name and address of the customer;
- The date the vehicle was dropped-off with the shop;
- The year, make and registration number of the vehicle;
- The vehicle odometer reading at the end of the repairs;
- An itemized list of the specific work performed;
- A list by name and number of the parts supplied, the price charged for each part and the total amount charged for all part;*
- If a part supplied was not new, a statement that the part was either used, reconditioned or rebuilt;
- The number of labor hours, the charge per hour and the total amount of labor charges;* and
- The total amount the customer owes for the repair or maintenance.

* If the charge to the customer was a single charge for a particular service and the single charge is posted in a location likely to be noticed by the consumer, then the shop need not disclose the itemized list of parts or labor in the invoice.

37 Pa. Code § 301.5(8)

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

A shop is not required to return replaced parts to a customer, unless the customer specifically requests that the part be returned. If the replaced parts are required to be returned to a manufacturer or some other person under a warranty or rebuild agreement, the shop need only make the parts available for inspection.

37 Pa. Code §§ 301.5(4)

Record Retention

It is considered an unfair method of competition and unfair or deceptive act or practice to fail to maintain the following written record when oral authorization is received for certain repairs:

- (1) date;
- (2) time of authorization received;
- (3) identity of employee receiving oral authorization;
- (4) the name of person making authorization;
- (5) description of exact authorization received; and
- (6) telephone number of shop called for authorization.

37 Pa. Code § 301.5 (5)

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, Pennsylvania law prohibits the making of a representation or statement of a fact in an advertisement or sales presentation if the advertiser or salesperson knows or should know that the representation or statement is false and misleading or if the advertiser or salesperson does not have sufficient information upon which a reasonable belief in the truth of the representation could be based. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of lead acid batteries must accept used lead acid batteries from customers who purchase new lead acid batteries. However, there is no mandatory state battery fee. Additionally, retailers must post a written notice at least 8.5" x 11" in size which contains the universal recycling symbol and the following language:

- "It is illegal to discard a motor vehicle or other lead acid battery."
- "Recycle your used batteries."
- "State law requires us to accept used motor vehicle or other lead acid batteries for recycling, in exchange for new batteries purchased."

The State is responsible for producing, printing and distributing these notices.

53 P.S. § 4000.1510

Tire Recycling and Disposal (Including Fees)

Disposal of whole waste tires in the State of Pennsylvania is prohibited. Regulations govern the storage requirements for waste tires. However, these regulations do not apply to persons storing less than 500 waste tires in open storage or who store less than 1,500 waste tires in enclosed storage unless the open or enclosed storage threatens or causes harm to the public health, safety, welfare or the environment.

Retailers of new tires must collect a post-tax tire fee of \$1 per tire on the sale of all new tires. The fee does not apply to the following transactions:

- The sale of tires not for highway use;
- The sale of new tires to governmental entities;
- The rental or lease of new tires. The lessor is required to pay the tire fee on the purchase of tires to be rented or leased;
- The sale of used tires including retreads or recaps;
- The sale of tires when delivered to the purchaser at an out-of-state location. The subsequent use of the tires within this Commonwealth is not subject to the tire fee.

Pennsylvania law also requires all persons making sales subject to the tire tax to apply for a "Public Transportation Assistance Tax License Number" on a form prescribed by the Department of Revenue. This registration is separate from the sales tax registration requirements. The fees are to be reported on a return prescribed by the Department of Revenue and remitted quarterly.

Because the mandatory state tire fee is imposed post-tax, retailers cannot include it when calculating shop fees. However, there is no express prohibition against charging an additional tire disposal fee or including such a fee calculating shop fees.

61 Pa. Code § 47.19(a)-(b); 35 P.S. § 6029.106; 25 Pa. Code § 299.155 et seq.

Warranties

No Statutes/Regulations available at this time

Rhode Island

Additional Notices/Disclosures

Repair shops must display in a conspicuous place in the shop a sign in boldfaced type in letters at least 2" inches high reading substantially as follows:

"PURSUANT TO RHODE ISLAND INSURANCE LAW, AN INSURANCE COMPANY MAY NOT REQUIRE THAT REPAIRS BE MADE TO A MOTOR VEHICLE BY A PARTICULAR PERSON OR REPAIR SHOP."

R.I. Gen. Laws § 5-38.3-8

Advertising

A repair facility may not sell or offer to sell an item at below cost to retailers with the intent to injure competitors or destroy competition.

R.I. Gen. Laws § 6-13-3

Estimates

If requested by a customer, repair shops must provide the customer with a written estimate of the parts and labor necessary for each specific repair or service. The shop may charge a reasonable fee for the estimate, but may not charge for work done or parts supplied in excess of the estimate without the customer's consent. The estimate must include the following information:

- The customer's name;
- The name of the repair shop;
- The date of the estimate;
- A list of parts necessary for each specific repair together with the costs for each part;
- Indicating any parts which are not new parts of at least original equipment quality;
- The labor charge for each repair together with the costs of each labor charge;
- The hourly labor charge and how it is computed;
- Year and make of vehicle;
- Registration plate number or vehicle identification number;
- A description of the problem reported by the customer; and
- A statement informing the customer of his or her right to receive replaced parts if the customer makes a written request for such return.

Work Orders

Repair shops may only perform repairs authorized by a work order. If the shop prepares a written work order, the customer must be given a copy. If the customer prepares a written work order, it must be attached to the invoice. If the customer gives an oral work order, the following information must be noted on the invoice:

- Time and date;
- Manner in which authorization was given;
- The name of the person who gave the authorization.

R.I. Gen. Laws § 5-38.3-3(1)-(2)

Filter Recycling and Disposal

Used automotive engine oil filters that are notterne-plated and were not contaminated by mixtures of used oil and any Federally listed hazardous waste identified in 40 CFR 261 Subpart D are not subject to Rule 15.00 (Used Oil Management Standards) or other hazardous waste management rules if the filters were gravity hot-drained using one of the following methods:

- (1) puncturing the filter anti-drain back valve or the filter dome end and hot draining;
- (2) hot-draining and mechanically crushing the filter;
- (3) any other equivalent hot draining method that will remove all pourable liquids from the filter; or
- (4) cold-draining and crushing using a mechanical, pneumatic, or hydraulic device designed for the purpose of crushing oil filters and effectively removing the oil.

Used automotive engine oil filters that are terne-plated are not subject to Rule 15.00 or Rules 1.00 through and including 12.00 and 17.00 if the generator processes the filters in accordance with Rule 15.01(E), sends the processed filters out for scrap metal reclamation and documents the recycling of the filters.

All free liquids that are collected as a result of any draining activity shall be properly managed in accordance with Rule 15.00. Used automotive oil filters that are not fully drained using one of the methods prescribed above may be managed as a material contaminated with used oil in accordance with the requirements of Rule 15.00.

CRIR 12-030-003, Section 15

Invoices

Repair shops must provide customers with invoices containing the following information:

- The name and address of the repair shop, the date of the invoice;
- The date the vehicle was presented to the repair shop for repair or services;
- A list of all parts supplied and labor performed, including the cost for each part and labor;
- A notation indicating the status of any part used which is not new and of at least original quality (i.e., used, rebuilt, etc.);
- The odometer reading on the vehicle at the time it was left with the repair shop and the odometer reading at the time the invoice was prepared;
- A promised date of delivery, if any date was given;
- The name of the customer;
- Year and make of the vehicle;
- The terms and time limit of any guarantee for the repair work performed;
- A description of the problem reported by the customer.

R.I. Gen. Laws § 5-38.3-3(3)

Other Mandatory State Fees

The hard-to-dispose material tax applicable to tire sales (above) also applies to motor oil, antifreeze, and organic solvents. As detailed above, retailers are not permitted to charge customers for the tax and/or include it as a separately stated invoice item. The collection of the tax is the same as for tires, and the amounts are as follows:

- Motor Oil- \$.05 per quart or \$.053 per liter
- Antifreeze- \$.10 per gallon or \$.0264 per liter
- Organic Solvents- \$.0025 per gallon or \$.00066 per liter

R.I. Gen. Laws § 44-44-3.7; CRIR § 01-087-002

Parts Return

Parts must only be returned if requested by the customer. If the customer authorizes the work over the telephone, repair shops should presume the customer wants the parts returned. Parts, components, or equipment normally sold on an exchange basis or that is subject to a manufacturer's warranty need not be returned.

R.I. Gen. Laws § 5-38.3-3(4)

Record Retention

See Tire Recycling and Disposal.

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Rhode Island's Unfair Trade Practices and Consumer Protection Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Battery dealers are required to accept used vehicle batteries from customers in exchange for the purchase of a new vehicle battery. Dealers may add a "core charge" (i.e. deposit) to the sale of the battery if a used battery is not exchanged at the time of purchase. This charge must be refunded if the customer returns a used vehicle battery within 7 days of purchasing the new battery. All fees not claimed within 7 days may be kept by the dealer.

R.I. Gen. Laws § 23-60-3

Tire Recycling and Disposal (Including Fees)

Facilities storing more than 400 tires must obtain a license from the Department of Environmental Management. Disposal of scrap tires is restricted to one of three methods:

- (1) facilities operated by the State Solid Waste Management Corporation;
- (2) privately operated and licensed tire storage, recycling, or recovery facilities; or
- (3) transport to an out-of-state recycling facility.

Rhode Island law requires retailers of new tires to pay a hard-to-dispose material tax of \$.50 per tire to the wholesaler or directly to the Division of Taxation. Retailers are not allowed to charge their customers a tax and/or separately state the tax on their customers' invoices. Therefore, any "tire disposal fees" must be built into the price of the tire. When making payment directly to the Division of Taxation, retailers are required to file returns by the 25th day of the month following the month the tax is assessed. Retailer must keep such books, including records, receipts, and other pertinent papers, in such form as the tax administrator requires. These records must be open for inspection by the tax administrator.

Retailers are also required to collect a \$5 deposit from all customers purchasing new tires who do not exchange the new tire for a used tire. The deposit must be refunded if the customer provides a used tire within 14 days of the new tire purchase. Tire retailers in Rhode Island must accept used tires from any consumer, so long as the tire is reasonably clean and substantially intact.

R.I. Gen. Laws §§ 23-63-1 et seq.; CRIR § 01-087-002

Warranties

No Statutes/Regulations available at this time

South Carolina

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Advertising

South Carolina does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

No Statutes/Regulations available at this time

Filter Recycling and Disposal

Non-terne plated used oil filters that are not mixed with a hazardous waste may be disposed of in a municipal solid waste landfill provided all used oil filters are hot-drained for a minimum of twelve (12) hours using one of the following methods:

- a) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining
- b) Dismantling and hot-draining; or
- c) Any other equivalent hot-draining method which will remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. Used oil filters which are compacted to their smallest practical volume do not require hot-draining prior to disposal, provided the used oil is collected during crushing. The used oil drained from the oil filters shall be processed, re-refined or otherwise recycled. For recycling markets, please contact Elizabeth Rosinski at (803) 896-4233 or call 1-800-SO-USE-IT (800-768-7348).

S.C. Admin. Code R. 61-107.279.92

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

No Statutes/Regulations available at this time

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with South Carolina's Unfair Trade Practices Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Sellers of lead acid batteries must accept used lead acid batteries from customers purchasing new batteries. There is a mandatory state fee of \$2 per battery. The fees must be paid to the Department of Revenue on a monthly basis in the same manner that sales and use taxes are paid. Sellers may keep 3% of the total fees collected for administrative costs. South Carolina law does not expressly prohibit marking-up the battery fee or including it when calculating shop fees.

Additionally, sellers of lead acid batteries must collect a \$5 deposit if the customer does not exchange a used lead acid battery when purchasing a new one. This deposit must be refunded if the customer returns a used lead acid battery within 30 days of purchase. All deposits not claimed within 30 days may be kept by the seller.

S.C. Code Ann. § 44-96-180

Tire Recycling and Disposal (Including Fees)



The Department of Health currently has mandatory guidelines for scrap tire storage. Owners and operators of waste tire sites are required to notify the South Carolina Department of Health and Environmental Control of the site's location, size, and number of tires accumulated. Waste tires may only be disposed of at permitted solid waste disposal facilities.

All collectors, processors, recyclers, haulers, and disposers of waste tires are required to obtain a permit. However, the following entities are exempt from obtaining a permit so long as the tires are stored in such a manner to control mosquitoes or other public health nuisances:

- (1) a tire retailing business where less than one thousand waste tires are kept on the business premises;
- (2) a tire retreading business where less than two thousand five hundred waste tires are kept on the business premises or a tire retreading facility that is owned or operated by a company that manufactures tires in South Carolina or the tire manufacturer's parent company or its subsidiaries;
- (3) a business that, in the ordinary course of business, removes tires from motor vehicles if less than one thousand of these tires are kept on the business premises; and
- (4) a permitted solid waste facility with less than two thousand five hundred waste tires temporarily stored on the business premises.

South Carolina imposes a fee of \$2 per new tire sold to the ultimate consumer. The fees must be paid to the Department of Revenue on a monthly basis in the same manner that sales and use taxes are paid. Sellers may keep 3% of the total fees collected for administrative costs. South Carolina law does not expressly prohibit charging an additional tire disposal fee or including either fee in calculating shop fees.

S.C. Code Ann. § 44-96-170

Warranties

No Statutes/Regulations available at this time

South Dakota

Additional Notices/Disclosures

Non-OEM crash parts must be inscribed with the name or logo of its manufacturer.

S.D. Codified Laws § 32-15-36

Advertising

South Dakota has extensive internet advertising restrictions. An e-mail advertising campaign should not be initiated without consulting legal counsel.

S.D. Codified Laws §37-24 et. seq.

Estimates

No Statutes/Regulations available at this time

Filter Recycling and Disposal

South Dakota follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit.

40 CFR 261.4(b)(13)

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

No Statutes/Regulations available at this time

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with South Dakota's Deceptive Trade Practices Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of lead acid batteries are required to accept used lead acid batteries in exchange for each new lead acid battery purchased by its customers. There is no mandatory state battery fee.

S.D. Codified Laws § 34A-6-91

Tire Recycling and Disposal (Including Fees)

No waste tire stockpiling or processing may be done without a permit. However, no permit is required for waste tire generators if they store less than 700 waste tires (the waste tire storage and processing facility requirements (below) must still be met.)

Tires must be cut into at least four pieces or shredded prior to landfilling. Waste tire storage and processing facilities must be designed and operated as follows:

- (1) a waste tire pile may not have an area greater than 5,000 square feet or a vertical height greater than 10 feet;
- (2) each waste tire pile must be surrounded by a 50-foot fire lane;
- (3) no more than 100,000 passenger car tires or the equivalent weight of other waste tires or tire-derived products may be stored on site at any one time;
- (4) operations involving the use of open flames, blow torches, or highly flammable substances may not be conducted within 300 feet of a waste tire pile;
- (5) all waste tire piles must be maintained free of mosquitoes and rodents; and
- (6) storage of waste tires may not exceed one year.

South Dakota has a mandatory state tire fee of \$.25 per tire (maximum of \$1). However, this fee is paid when the motor vehicle is registered and is collected by county treasurers. As such, retailers do not have any state tire fee collection responsibilities. South Dakota law does not expressly prohibit tire retailers from charging an additional tire disposal fee or including such a fee in calculating shop fees.

S.D. Codified Laws §§ 34A-6-64, 34A-6-83; ARSD §§ 74:27:13:17.01, 74:27:22:05

Warranties

No Statutes/Regulations available at this time

Tennessee

Additional Notices/Disclosures

Before beginning any repair work, a shop must inform the customer of their right to a written estimate for repairs that exceed \$250.00. Additionally, they must notify the customer that they may not be charged for any expenses which exceed the estimate by over 25% unless the shop makes a good faith effort to contact them and inform them of the additional charges. This disclosure must be:

- Displayed in the space immediately before the customer's signature;
- Easily readable;
- Separated from the other terms of the form used for authorization of repairs; and
- Listed under the printed heading "Consumer Rights."

If the shop gives the consumer this notification of rights verbally, then the shop must make a record of the notification and maintain the record. The record must contain:

- The name of the person who was notified or who the facility attempted to notify;
- The date and time of the notification or attempt; and
- The signature of the person who made the notification or attempted notification.

Tenn. Code Ann. § 66-19-104(b)-(c)

Additional Resources

Used Oil Collection & Recycling Program Guide: <http://www.state.tn.us/environment/swm/pdf/uoguide.pdf>

Advertising

Tennessee does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

A written estimate is not required unless the customer requests it and the cost of repairs will exceed \$250.00. A customer may not be charged for any amount more than 25% over the estimate unless the shop makes a good faith effort to obtain the customers consent for the additional repairs. A good faith effort would be a telephone call to the consumer.

Tenn. Code Ann. § 66-19-104(a)

Filter Recycling and Disposal

Tennessee requires used oil filters to be managed using one of the four following methods:

- (1) Recycle the oil and metal from the filters;
- (2) Drain and crush the filters, recycle the oil and dispose of the filters as a special waste in any Class I Landfill;
- (3) Puncture and Hot Drain or Cold Drain & dispose of as special waste in a Subtitle D Landfill (Synthetic Liner);
- (4) Dispose of the filters as a hazardous waste.

Option 1:

To qualify for the scrap metal recycling exemption, free flowing oil must be removed from the filters through draining and crushing or disassembly of the filter prior to shipping to a metal recycler. Under the used oil recycling exemption, the physical processing of the filters (draining, crushing and/or transporting) is not subject to regulation under the hazardous waste regulations and may be conducted by the generator or by another party at a different location. If disassembled, the filter media must be mechanically compressed to remove all free flowing oil and the oil is collected for recycling. The generator then certifies that the filter element and gaskets are nonhazardous and all free flowing oil has been removed.

Option 2:

This option requires that non-terne plated used oil filters be drained and crushed before being landfilled and that the oil collected from draining and crushing the filter be recycled. Filters managed in this way are considered "special waste." Generators must certify that all free- flowing oil has been removed but does not require a TCLP by the generator. As with option 1, processors of used oil filters are not subject to hazardous waste regulation.

Option 3:

A statewide special waste approval is being granted for all used oil filters which are certified as nonhazardous and which have been punctured and hot drained for a minimum of 12 hours or cold drained for 24 hours. Hot draining is defined as draining the filter at near engine operating temperature and above 60 degrees Fahrenheit. Cold draining is defined as when the draining begins at a temperature when the oil and filter is at less than engine operating temperature. At least one hole must be punctured in the dome end of the filter and the dome end pointed downward while being drained. Filter should be double bagged in 3mm (garbage) plastic bags and tied at the loose end prior to disposal. The oil removed during draining must be collected and properly recycled. Processing of the filters is not subject to regulation under the hazardous waste regulations.

Option 4:

If a generator chooses not to recycle, crush, or puncture and hot or cold drain, then the filters are handled as a hazardous waste. Special waste approval will not be granted for filters that are not punctured and drained or drained and crushed. Any oil which drains from the filters must be disposed of as a hazardous waste if it is not recycled.

See "Used Oil Collection & Recycling Program Guide," available at:
<http://www.state.tn.us/environment/swm/pdf/uoguide.pdf>

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

If a customer requests the return of replaced parts at the time he or she authorized the repairs or service, then the repair shop must return the parts. A shop does not have to return parts if the shop has a trade-in agreement or core charge agreement for reconditioned parts, unless the customer agrees to pay the shop the trade-in or core charge. Additionally, the shop need not return a part to a customer if the shop, as part of an agreement, must return the part to a manufacturer, distributor or other or if federal or state law requires certain disposal of a part. If a customer asks to inspect replaced parts, the shop must make them available for inspection.

Repair shops must post a notice in a prominent location of the facility notifying the customer of their right to have parts returned and/or inspect the replaced parts.

Tenn. Code Ann. § 47-18-104(b)(28)(A)

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Tennessee's Consumer Protection Act, which prohibits businesses from making false or misleading statements of fact about the reason for, amount or existence of price reductions. Any advertisements containing a price for a service should also disclose applicable shop fees.

Specifically Prohibited Acts

- Falsely passing off goods or services as something other than what they are;
- Causing the likelihood of confusion to the customer or misunderstanding as to the source, sponsorship, approval or certification of a good or service (This provision does not apply to a shop using a private label);
- Being deceptive about a good or service;
- Representing that a good or service has sponsorship, approval, characteristics, ingredients, uses, benefits or qualities that it does not;
- Representing that a person has sponsorship, approval, status, an affiliation or connection that he or she does not;
- Representing that a good is new or original if it is deteriorated, altered to the point of decreasing the value, reconditioned, reclaimed, used or secondhand;
- Representing that goods or services are of a particular standard, quality or grade, or that goods are of a particular style or model when they are not;
- Disparaging the goods, services or business of another by false or misleading statements of fact;
- Advertising goods or services when there was never any intent of selling the goods or services as advertised;
- Making false or misleading statements of fact about the reason for, amount of or existence of price reductions;
- Representing that a repair or service is needed when it is not;
- Stating or implying that a sales person has or doesn't have certain authority, when it is not true;
- Failing to disclose that the cost of a good or service is based on a predetermined rate or that it is covered by a warranty;
- Tampering with an odometer;
- Offering a customer a discounted price for referrals if the discount is based on an event that will occur after the buyer purchases the goods or services;
- Representing that a product has a warranty or guarantee that it does not;
- False advertising; and
- If a customer requests, failing to return a replaced part or make it available for inspection.

Tenn. Code Ann. § 47-18-104

State Battery Recycling and Fees

Retailers of lead acid batteries are required to accept used lead acid batteries in exchange for each new lead acid battery purchased by its customers. There is no mandatory state battery fee.

Tenn. Code Ann. § 68-211-608

Tire Recycling and Disposal (Including Fees)

Storage and Processor facilities must have a permit. Whole tires have been banned from landfills since January 1, 1995. Effective in 2002, tire shreds are banned from landfills

Retail sellers of new tires must register with the tax commissioner and collect a mandatory state tire fee of \$1.35 per tire sold. Tires sold for delivery outside of the state are not subject to the fee. The fees are to be submitted along with return forms prescribed by the tax commissioner on a quarterly basis by the 25th day of the month immediately following the close of each calendar quarter. Sellers may deduct \$.10 per tire from the amount reported as a collection fee so long as payment is made on time.

Although counties are expressly prohibited from charging additional tire disposal fees, businesses are not expressly prohibited from marking-up the fee, charging additional disposal fees or including either in calculating shop fees.

Tenn. Code Ann. §§ 67-4-1603 et seq., 68-211-867

Warranties

No Statutes/Regulations available at this time

Texas

Additional Notices/Disclosures

The shop must display its Texas Natural Resource Conservation Commission Registration Certificate at the shop in a public location that is easily visible to a consumer while paying for repairs. The Texas Natural Resource Conservation Commission Registration Number must be displayed on every piece of correspondence or advertisement by the shop.

Requirement When Replacing A Cylinder Block

When a shop replaces a cylinder block, they must stamp the original engine number on the block with a steel die. Additionally, the shop must keep a record of the replacement in a bound book, including the name and address of the vehicle's owner and the engine number and registration number of the vehicle. The book must be made available for public inspection. The record must include the name and address of the vehicle owner, the engine number and the registration number of the vehicle. The record must be maintained for one year. A violation of these provisions is a criminal act.

Tex. Occ. Code §, 2305.005

Advertising

The Texas Natural Resource Conservation Commission Registration Number must be displayed on every advertisement or motor vehicle repairs.

Tex. Occ. Code § 2304.102

Estimates

The Texas Natural Resource Conservation Commission Registration Number must be displayed on every repair estimate or repair order. Before any work can be started, the shop must have signed authorization for the work from the customer.

Tex. Occ. Code §§ 2304.102, 2304.104

Filter Recycling and Disposal

The Texas rule provides cradle to grave management for used oil filters. Used oil filters are banned from Texas landfills. The generator must remove all free-flowing oil from the filter and make arrangements for filter removal and processing. Storage requirements - any person storing more than six 55-gallon drums or 330 gallons bulk of used oil filters must register with the TX Natural Resource Conservation Commission (TNRCC) as a used oil filter storage facility.

All persons operating filter storage facilities must demonstrate financial responsibility as approved by the TNRCC. Filters may not be stored on-site for more than 120 days transfer and storage, 90 day for processors and 10 days for transporters. Filters must be stored in a covered, rainproof container. The containers must be labeled "Used Oil Filters" in letters at least 3" high and must also be labeled with the owner's name and phone number.

General Transporter, Processor & Collection Center requirements - By January 25 of each year, each transporter, processor and operator of a collection center of used oil filters must register with the TNRCC Program and must report the previous year's volume of used oil filters, the names and locations of the storage facilities, processors, end users and/or disposal facilities, and the amounts shipped to the processors or end users.

Public Used Oil Filter Collection Center requirements: A generator (non-DIY) must ensure that all free-flowing oil is removed from the filter. The State does not require that used oil be removed in any specific way, it lists the following methods for removing used oil:

1. puncturing the filter anti-drain valve or the filter dome end and hot-draining;
2. hot-draining and crushing;
3. dismantling and hot-draining;
4. flushing; or
5. an equivalent method to remove free-flowing oil.

For filters accepted from the DIY, a generator or collection center shall remove the free-flowing oil to "the greatest extent feasible."

The operator of a collection center must keep copies of all used oil filter bills of lading for at least 3 years. For those that have collection centers that are unmanned they do not have the capacity to store 3 years' worth of paper on-site, other accommodations can be made. Collection center operators must arrange with registered transporters to transport the used oil filters to a registered processor, storage facility, disposal facility or end user.

Generators and operators of collection centers must ensure that each container is sealed for transportation and that a label that corresponds to the bill of lading is affixed to the container. These containers must also be labeled "Used Oil Filters" with letters at least 3" tall and must indicate who owns the container and the owner's phone number.

Collection centers may charge a reasonable fee to cover the cost of managing DIY used oil filters. Industrial used oil filters and used oil filters regulated by the Railroad Commission of Texas are not subject to these regulations. However, such oil filters may be delivered to a transporter, storage facility or processor for the purpose of recycling. Once such oil filters are delivered to a registered used oil filter handler for recycling, they then are managed under used oil filter regulations.

Tex. Health & Safety Code § 371.101 et seq. 30 TAC § 328.21 et seq.

Invoices

No Statutes/Regulations available at this time

Licensing and Registration

None for mechanical repair facilities.

See Tex. Occ. Code § 2304.051 for requirements applicable to non-mechanical repair facilities.

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

No Statutes/Regulations available at this time



Record Retention

Repair shops must maintain a register of each repair made to a motor vehicle. The register must contain a substantially complete and accurate description of each motor vehicle that is repaired and must be kept for at least one year in a well-bound book or an electronic recordkeeping system.

Tex. Occ. Code §§ 2305.003-2305.006

Used Oil Filters- the operator of a collection center must keep copies of all used oil filter bills of lading for at least three years. (See "Filter Recycling and Disposal" above for more info).

Lead Acid Batteries- Retailers are required to maintain a record of the number of lead acid batteries that are purchased, the number of used lead acid batteries traded-in and the number of lead acid batteries delivered to a disposal facility. These records must be kept for at least three years. (See "State Battery Recycling and Fees" above for more info).

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Texas's Consumer Protection Act, which generally prohibits unconscionable or deceptive practices in a transaction with a customer or potential customer. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

Specifically Prohibited Acts

The Texas Deceptive Trade Practices Consumer Protection Act includes several sections dealing with repairs. Under the Act, it is illegal for an auto repair dealer to:

- 1) knowingly make false or misleading statements about the need for parts, replacement or repair service;
- 2) falsely represent that work or services have been performed on a car, or that parts have been replaced;
- 3) claim that replacement parts are original or new when in fact they are used, second-hand or refurbished;
- 4) advertise goods or services with the intent not to sell them as advertised.

State Battery Recycling and Fees

Texas law requires sellers of lead acid batteries to collect a mandatory battery fee. The amount of the fee is \$2 if the battery has a capacity of less than 12 volts or \$3 if the battery has a capacity of 12 or more volts. Retailers must remit the fees (along with the Texas battery sales fee report) on a monthly basis unless the total collected is less than \$50 for a month or \$150 for a quarter. In such case, the fees must be submitted quarterly. In either case, the fees are due by the 20th day of the month following the reporting period in which they were collected. Retailers may retain \$.025 from each fee collected and must sign the return forms.

The fee must be stated as a separate item on invoices and identified as the "Texas battery sales fee." Therefore it cannot be marked-up or included in calculating shop fees.

Exemptions

Battery sales are exempt from the above requirements if the batteries meet the following criteria:

- The ampere-hour rating of the battery is less than 10 ampere-hours;
- The sum of the dimensions of the battery (height, width, and length) is less than 15 inches; and
- The battery is sealed so that no access to the interior of the battery is possible without destroying the battery.

Notice (Tex. Health & Safety Code § 361.452-53)

Retailers must post a written notice at least 8.5" x 11" in size which contains the universal recycling symbol and the following language:

- "It is illegal to discard or improperly dispose of a motor-vehicle battery or other lead acid battery."
- "Recycle your used batteries." and
- "State law requires us to accept used motor-vehicle batteries or other lead acid batteries for recycling."

The State is responsible for producing, printing and distributing these notices.

Record Keeping (30 TAC § 328.17)

Retailers are also required to maintain a record of the number of lead acid batteries that are purchased, the number of used lead acid batteries traded-in and the number of lead acid batteries delivered to a disposal facility. These records must be kept for at least 3 years.

Tire Recycling and Disposal (Including Fees)

If over 500 scrap tires are stored on public or private property, the site must be registered with the State and have a site identification number. All tires that are disposed of must be split, quartered or shredded.

Tex. Health & Safety Code § 361.112

Warranties

It is a deceptive trade practice to represent that a warranty confers or involves rights or remedies which it does not have or involve, or basing a charge for the repair of any item in whole or in part on a guaranty or warranty instead of on the value of the actual repairs made or work to be performed on the item without stating separately the if any.

Texas Business and Commerce Code § 17.46(15) and (20)

Utah

Additional Notices/Disclosures

Repair facilities must post signs indicating consumers' rights to receive written estimates.

Utah Admin. Code r. 152-11-5

Additional Resources

Oil Filter Disposal Fact Sheet:

<http://www.hazardouswaste.utah.gov/SWBranch/Adobe/P2Factsheets/OILFILTE.pdf>

Advertising

Utah does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

An estimate must be provided to a consumer and the customer must approve the estimate prior to initiating a repair work. The estimate must contain:

- The exact name and business address of the business entity which will repair
- The name and signature of the person who accepts the vehicle for repair.
- The name of any entity, other than the repair facility, which will perform repair services as well as its address, phone number and a contact person at such entity.
- A description including make and model number of the vehicle.
- A list of the anticipated repairs, inspection or other services to be performed;
- The estimated charges for those repairs, inspections or other services; and
- The reasonably expected completion date of such repairs, inspection or other services to be performed, including any charge for re-assembly of any parts disassembled in regards to the providing of such estimate;
- Any charge for inspection that will be a charge for re-assembly of the parts or that it is not possible to re-assemble such parts.

If the repair service estimate exceeds \$50, the consumer must be provided with a transcript or copy of his/her express authorization at or before the time the consumer receives the bill or invoice. Businesses must also obtain express authorization for additional, unforeseen, but necessary, repairs, inspections or other services when those repairs, inspections or other services amount to ten percent (10%) or more (excluding tax) of the original estimate. A transcript or copy of the consumer's express authorization for these repairs must also be given to the consumer at or before the time the consumer receives the bill or invoice.

The required signatures can be in the form of a facsimile transmission, e-mail, telephonic or other electronic means that is stored, recorded or retained by the supplier evidencing the consumer's express authorization, a transcript or copy of which shall be provided to the consumer on or before the time that the consumer receives the initial billing or invoice for supplier's performance.

Utah Admin. Code r. 152-11-5

Filter Recycling and Disposal

Utah follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13); U.A.C. R315-2-4(b)(14); U.A.C. R315-1.6

Insurance Claim Estimates / Work Orders

If a consumer informs the facility that he or she plans to make an insurance claim, the repair facility must provide the consumer with a repair estimate prior to initiating any repairs including the total dollar amount the consumer is responsible to pay for the repair, which amount may not exceed the applicable deductible or other co pay arrangement in the consumer's insurance policy. Additionally, the repair facility may not request or collect from a consumer an amount that exceeds the dollar amount a consumer was initially told he or she was responsible to pay as an insurance deductible or co pay for a repair, even if amount is less than the full amount the motor vehicle insurance policy requires the insured to pay. The exceptions are if the consumer's insurance refuses to pay for the repairs or the consumer misstates before the repair is commenced, the amount of money the insurance policy requires the consumer to pay; in which case the repair facility may charge the consumer any amount that does not exceed the consumer's payment requirement under the insurance policy.

A business may not charge a consumer for goods or services that have not previously been agreed to by the consumer.

Utah Code Ann. § 13-11-4(2)(p) & r

Invoices

The consumer must be given a copy of the invoice. The invoice must contain an itemized list of repairs, inspections, or other services performed and the reason for such repairs, inspections, or other services, including:

- A list of parts and a statement of whether they are new, used, rebuilt, or after market, and the cost thereof to the consumer; and
- The number of hours of labor charged, apportioned for each part, service or repair, and the name or other reasonable means of identification of the mechanic or repairman performing the service, provided, however, that the requirements
- In lieu of an itemized list, if a flat fee was provided in the estimate, the flat fee is sufficient.

Utah Admin. Code r. 152-11-5

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

The repair facility must provide the consumer with an opportunity to inspect all replaced parts unless: • The parts are to be rebuilt or sold by the supplier and such intended reuse is made known to the consumer in writing on the original estimate; or

- The parts are to be returned to the manufacturer or distributor under a written warranty agreement; or
- the parts are impractical to return to the consumer because of size, weight, or other similar factors; or
- the consumer waives the return of such parts in writing after repairs are completed and a total cost is presented.

Utah Admin. Code r. 152-11-5

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Utah's Unfair Practices Act and Consumer Sales Practices Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of lead acid batteries must accept up to used 2 lead acid batteries for every new battery purchased by customers. There is no mandatory state battery fee. Retailers must also post a clearly legible notice at least 8.5" x 11" in size which is visible to customers and states:

"It is illegal under state law to discard a motor vehicle battery or other lead acid battery. You must recycle your used battery. State law requires us to accept up to two of your used lead acid batteries for recycling when you purchase a new lead acid battery.

You may take lead acid batteries for recycling to _____ (retailer to insert name of at least one facility near the retailer which is authorized to accept used lead acid batteries)."

Utah Code Ann. § 19-6-603

Tire Recycling and Disposal (Including Fees)

Persons may not dispose of more than four whole tires at one time in a landfill or any other location in the state authorized by the executive secretary to receive waste tires. Waste tires may be disposed of in a landfill if:

- (1) the land fill is operated in compliance with the requirements of Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act;
- (2) the waste tire is shredded; and
- (3) the waste tire is stored in a segregated cell or other landfill facility that ensures that the disposed shredded waste tire is in a clean and accessible condition so that the waste tire may be reasonably retrieved and recycled at a future time.

All storage and processing facilities have to be licensed through by the state. Utah also has regulations pertaining to the method of storage, financial assurance, record retention and reporting requirements. (See R315-314-3 for more information). Waste tire transporters and recyclers must also register and comply with additional regulatory requirements.

Retailers are required to collect a post-tax tire recycling fee from customers who purchase new tires. The fee for each tire with a rim diameter up to and including 24.5 inches is \$1. The fee does not apply to recapped or resold used tires or to tires sold and delivered out of the state. The fees collected by retailers are to be paid quarterly at the same time and in the same manner as sales and used tax returns are filled. Payment must be accompanied by the prescribed form and should be made by the last day of the month following the calendar quarter. Tire retailers may retain 2.5% of the total amount collected as a collection fee.

Because the fee is collected post-tax, it cannot be included in calculating shop fees. However, there is no express prohibition against charging an additional tire disposal fee or including such a fee in calculating shop fees.

Utah Code Ann. § 19-6-801 et seq.; U.A.C. R865-19S-93, U.A.C. R315-314-1 et seq., U.A.C. R315-310-1 et seq.

Warranties

No Statutes/Regulations available at this time

Vermont

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Additional Resources

Scrap Tire Fact Sheet:

http://www.anr.state.vt.us/dec/ead/sbcap/salvage/PDF/FS_ScrapTires.pdf

Used Oil Filter Fact Sheet:

http://www.anr.state.vt.us/dec/ead/sbcap/pdf/oilfilter_fs.pdf

Advertising

Vermont does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

No Statutes/Regulations available at this time

Filter Recycling and Disposal

Vermont exempts used oil filters from hazardous status if:

- (1) the filter does not exhibit a hazardous characteristic;
- (2) the filter is drained for at least 4 hours or is crushed and drained;
- (3) all drained oils are collected and managed as prescribed by regulation.

Once drained, used oil filters are considered solid waste and can be landfilled. The filters may be subject to local solid waste management requirements as determined by the local solid waste management district

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

No Statutes/Regulations available at this time

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Vermont's Consumer Fraud Act, which specifically prohibits advertisements that fail to disclose any limitations, disclaimers, qualifications, conditions, exclusions or restrictions. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of lead acid batteries must accept one used lead acid battery for every new battery purchased by customers. There is no mandatory state battery fee. Retailers must also post a clearly legible notice in bold print in the immediate vicinity where lead acid batteries are sold that states:

"It is illegal to discard lead acid batteries in Vermont's landfills. This store accepts used lead acid batteries for recycling, in exchange for new batteries being purchased."

10 V.S.A. § 6621c

Tire Recycling and Disposal (Including Fees)

Although there is no legislation specific to tires, scrap tire management is addressed as part of other environmental legislation. Scrap tire transporters must have a permit. Since January 1, 1992, all tires have been banned from landfills. Landfills will be allowed to accept tires if the facility functions as a tire recycling facility or transfer station.

10 V.S.A. § 6621a

Warranties

No Statutes/Regulations available at this time

Virginia

Additional Notices/Disclosures

A shop must post in a conspicuous place at any point where vehicles are normally received for repairs a sign that has a heading that says "Consumer Rights" in letters at least one and one-half inches high. The remainder of the sign must be easily legible, with letters at least one-fourth inch high. The sign must contain the following disclosures:

- The customer may request to receive a written estimate;
- No repair work charge may exceed the written estimate by more than ten percent unless the additional work represented by the excess charge has been authorized by the customer;
- Any conditions imposed by the automobile repair facility in providing written estimates, such as the limited hours when written estimates will be prepared or the amount of the reasonable fee charged for preparing a written estimate and for related diagnostic work;
- The facility shall offer to return all replaced parts except warranty, core charge or trade-in parts required to be returned to a manufacturer or distributor; and
- Any complaints can be made to the Virginia Office of Consumer Affairs.

Va. Code Ann. § 59.1-207.3(c)

Advertising

Virginia does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Equipment

The Department of Motor Vehicles may establish a procedure and fee schedule for approval of equipment, including brake testing and light-testing machines. This process may be waived if equipment requiring approval is identified as complying with the standards and specifications of the SAE, the ANSI, Inc., or the regulations of the Federal Department of Transportation.

Va. Code Ann. § 46.2-1005, § 46.2-1008

Estimates

If a customer requests a written estimate and the cost of repairs is likely to exceed \$25.00, before any repair work other than diagnostic work can begin, the shop must provide the customer with a written estimate and the customer must authorize the repairs. A customer may orally authorize repairs. The ARFA, sets time limits, outside of which the shop is not required to provide a written estimate. The shop is not required to give a customer a written estimate before 10:00 a.m. or after 4:00 p.m. during a working day. An estimate must include:

- The estimated cost of labor;
- The estimated cost of parts;
- A description of the problem or work to be completed as described or authorized by the customer; and
- The estimated completion time.

A customer may not be charged for any costs that are more than 10% (or 25% if the vehicle is more than 25 model years old) over the written estimate, unless they have first consented to the additional costs or repairs.

The shop may charge a customer a reasonable amount for a written estimate provided the shop discloses the charge in a written document that is signed by the customer or on a sign that is posted in a conspicuous location at the entrance of the repair facility.

The shop is not responsible for missing an estimated completion date if the reason for the delay is an act of God, an unexpected shortage of labor or parts or another cause beyond the control of the shop.

Va. Code Ann. § 59.1-207.3

Filter Recycling and Disposal

Used oil filters are NOT regulated as a hazardous waste if managed by one of the following methods:

- 1) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining
- 2) Hot draining and crushing
- 3) Dismantling and hot draining; or
- 4) Any other equivalent hot-draining method which will remove used oil.

Filters managed by one of these methods are still regulated as a solid waste subject to solid waste management regulations; however, they may be managed for scrap metal reclamation. (NOTE: Gasoline, diesel, air, transmission or other type filters are NOT included in the used oil filter exclusion. They may be excluded from potential HW regulation only if being recycled as scrap metal. Otherwise, the generator must determine if they meet a HW characteristic.)

40 CFR 261.4(b)(13); see also the Virginia Department of Environmental Quality at <http://www.deq.virginia.gov/tanks/disposal.html>

Invoices

Upon completion of repairs the customer must be given a written invoice. The invoice must clearly indicate:

- The work performed;
- The charges for parts, distinguishing parts that are covered by a warranty and the ones that are not;
- Parts that are used, rebuilt or reconditioned; and
- The charge for labor;

If the service that is performed is based on an advertised single price basis (such as an oil change or tire job), then a detailed invoice is not required.

Va. Code Ann. § 59.1-207.5

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

At the time repair work is authorized, the shop must offer to return to the customer all replaced parts, provided the part is not required to be returned to a manufacturer or distributor under a warranty, trade-in, core charge or reconditioned parts agreement. If the part is required to be returned, the customer still has the right to inspect the part. If the part is required to be returned to the manufacturer or distributor and the customer still wants the part, the customer must pay the core charge or any other fee associated with keeping the part.

A special provision that applies to a shop replacing motor vehicle glass is that the shop may not advertise or promise to provide any coupon, credit or rebate to pay all or part of an insurance deductible.

Va. Code Ann. § 59.1-207.4

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Virginia's Consumer Fraud Act, which specifically prohibits making false or misleading statements of fact concerning the reasons for, existence of or amounts of price reductions. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of lead acid batteries must accept used lead acid batteries from customers who purchase new lead acid batteries. However, there is no mandatory state battery fee. Additionally, retailers must post a written notice at least 8.5" x 11" in size which contains the universal recycling symbol and the following language:

- "It is illegal to discard a motor vehicle or other lead acid battery."
- "Recycle your used batteries."
- "State law requires us to accept used motor vehicle or other lead acid batteries for recycling, in exchange for new batteries purchased."

The State is responsible for producing, printing and distributing these notices.

Va. Code Ann. §§ 10.1-1425.2, 10.1-1425.3

Tire Recycling and Disposal (Including Fees)

It is unlawful for any person to store, dispose of, speculatively accumulate or otherwise place more than 100 waste tires on public or private property, without first having obtained a permit. Violation of the permit requirement is a misdemeanor unless it involves 500 or more tires, in which case the violation is a Class 6 Felony. The permit requirement does not apply to the storage of less than 1,500 waste tires in a container at a convenience center or at a salvage yard licensed by the Department of Motor Vehicles, as long as the tires are not being speculatively accumulated.

Virginia law requires retailers of new tires to collect a mandatory state tire fee. Alternatively, the fee can be collected by a person who installs the new tire(s) pursuant to an agreement with a person who makes a retail sale of such tires, but does not collect the fee. The current amount of the fee is \$1 per new tire. However, beginning on July 1, 2011, the fee is reduced to \$.50 per new tire. The fees are to be collected by the Tax Commissioner in the same manner as the retail sales and use tax. Retailers are allowed to deduct 5% of the amount due if the return is made on time.

There is no express prohibition against charging an additional tire disposal fee or including either in calculating shop fees.

Va. Code Ann. §§ 58.1-641, 58.1-642, 10.1-1418.2

Warranties

No Statutes/Regulations available at this time

Washington

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Advertising

Washington does not impose specific advertising regulations on automotive repair facilities. The state's general consumer protection advertising requirements apply.

Estimates

General Requirements [Rev. Code Wash. §§ 46.71.015(1), 46.71.015(4), 46.71.060]

Washington law generally requires all estimates that exceed \$100 to be in writing and contain the following information:

- The date;
- The name, address and telephone number of the repair facility;
- The name, address and telephone number, if available, of the customer or the customer's designee;
- If the vehicle is delivered for repair, the year, make and model of the vehicle, the vehicle license plate number or last eight digits of the vehicle identification number and the odometer reading of the vehicle;
- A description of the problem reported by the customer or the specific repairs requested by the customer; and
- A choice of waiver alternatives described in RCW 46.71.025 (see below).

A copy of the estimate, unless waived, must be provided to the customer or the customer's designee prior to supplying parts or labor. Additionally, the repair shop must retain copies of all written price estimates for at least one year after the date on which repairs were performed.

Waiver of Estimate [Rev. Code Wash. § 46.71.025(1)]

Repair shops are not required to provide written repair estimates if the following document is given to the customer and the customer selects an option that does not require an estimate:

"YOU ARE ENTITLED TO A WRITTEN PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED. YOU ARE ALSO ENTITLED TO REQUIRE THE REPAIR FACILITY TO OBTAIN YOUR ORAL OR WRITTEN AUTHORIZATION TO EXCEED THE WRITTEN PRICE ESTIMATE. YOUR SIGNATURE OR INITIALS WILL INDICATE YOUR SELECTION.

1. I request an estimate in writing before you begin repairs. Contact me if the price will exceed this estimate by more than ten percent.

2. Proceed with repairs but contact me if the price will exceed \$.

3. I do not want a written estimate.

Initial or Signature _____

Date _____

Time _____

No Face-to-Face Contact [Rev. Code Wash. § 46.71.025(3)]

Written estimates are not required if the customer's vehicle is brought to the repair shop's place of business without face-to-face contact between the customer and the repair shop. Face-to-face contact means actual in-person discussion between the customer or his or her designee and the agent or employee of the automotive repair facility authorized to intake vehicles or components.

Prior to providing parts and labor, the repair facility must obtain either the oral or written authorization of the customer or the customer's designee. The repair facility must note on the estimate or repair order the following information:

- The date and time of obtaining an oral authorization;
- The total amount authorized;
- The name or identification number of the employee who obtains the authorization; and
- The name of the person authorizing the repairs.

Additional Charges [Rev. Code Wash. § 46.71.025(2)]

Repair shops may not charge the customer more than 110%, not including sales tax, of the total given of the written estimate without obtaining written or oral authorization to such additional charges. If oral authorization is given, the following must be recorded on the invoice:

- The date and time of the oral authorization;
- The additional parts and labor required;
- The estimated cost of the additional parts and labor, or where collision repair is involved, aftermarket body parts or non-original equipment manufacturer body parts, if applicable;
- The name or identification number of the employee who obtains the authorization; and
- The name and telephone number of the person authorizing the additional costs.

Filter Recycling and Disposal

Used oil filters are not considered hazardous waste if they are recycled as used oil and scrap metal. To prepare filters for recycling please follow these three steps:

- (1) invert filter onto its base end and puncture a hole in it's top;
- (2) drain the filter (about 24 hours) over a spill-proof container with a lid;
- (3) place the drained filter into a leak-proof container (coffee can with lid, sealable plastic bag or bucket) and take to a household hazardous waste collection facility (you may also bring the drained oil).

40 CFR 261.4(b)(13); WAC 173-303-071(3)(y); see also

<http://www.clark.wa.gov/recycle/documents/Publications/web%20page%20oil%20filter.pdf>

Invoices

Regardless of whether an estimate is required, customers must be given an invoice upon completion of the work that contains the information required to be on written estimates (above) and the following information:

- A description of the repair or maintenance services performed on the vehicle;
- A list of all parts supplied, identified by name and part number, if available;
- Part kit description or recognized package or shop supplies, if any;
- An indication whether the parts supplied are rebuilt, or used, if applicable or where collision repair is involved, aftermarket body parts or non-original equipment manufacturer body parts, if applicable;
- The price per part charged, if any, and the total amount charged for all parts;
- The total amount charged for all labor, if any; and
- The total charge.

If the repair work is performed under warranty or without charge to the customer, other than an applicable deductible, the repair facility must provide either an itemized list of the parts supplied, or describe the service performed on the vehicle, but is not required to provide any pricing information for parts or labor.

Invoices must be kept by the repair shop for at least one year from the date the repairs were performed.

Rev. Code Wash. §§ 46.71.015(2) and (3), 46.71.060

Licensing and Registration

Registration with the Department of Revenue is required. Upon registration, the Department of Revenue must provide the repair facility with notice of the auto repair facility requirements contain in 46.71.005 et seq.

See Rev. Code Wash. §§ 82.32.030, 46.71.090

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

Repair facilities must return replaced parts to the customer at the time the work is completed only if the customer requested the parts at the time of authorization of the repair. If a customer at the time of authorization of the repair requests the return of a part that must be returned to the manufacturer, remanufacturer, distributor, recycler, or rebuilder, or must be disposed of as required by law, the repair facility must offer to show the part to the customer, but does not need to return the part. The repair facility need not show a replaced part if no charge is being made for the replacement part.

Rev. Code Wash. § 46.71.021

Record Retention

Every automotive repair facility shall retain and make available for inspection, upon request by the customer or the customer's authorized representative, true copies of the written price estimates and invoices required under this chapter for at least one year after the date on which the repairs were performed.

Rev. Code Wash. § 46.71.060

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Washington's Consumer Protection Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of vehicle batteries are required to accept used batteries from customers purchasing new batteries. Retailers must also charge a mandatory state battery "core charge" (i.e. deposit) of no less than \$5 to customers who do exchange a used battery when purchasing a new one. This charge must be refunded if the customer returns a used battery within 30 days of the purchase. The core charge is not required if the buyer submits verifiable proof that the battery is needed for an original battery installation. Verifiable proof consists of a voucher issued by the seller of the vehicle containing the following information:

- Title, address and phone number of the retail establishment;
- A brief description of the vehicle or device sold within indication that a battery(s) was not included;
- Date of issuance;
- Name of the purchaser; and
- Signature of the sales agent.

Washington law also requires retailers to post a notice at least 8.5" x 11" in size which contains the universal recycling symbol and the following language:

- "It is illegal to put a motor vehicle battery or other vehicle battery in your garbage."
- "State law requires us to accept used motor vehicle batteries or other vehicle batteries for recycling, in exchange for new batteries purchased."
- "When you buy a battery, state law also requires us to include a core charge of five dollars or more if you do not return your old battery for exchange."

The notices must be posted in the main vehicle battery display area or other area clearly visible to battery purchasers and may be no lower than 4 feet and no higher than 7 feet from the floor. The State is responsible for producing, printing and distributing these notices.

Rev. Code Wash. §§ 70.95.630-.660; WAC §§ 458-20-272(3), 173-331-010 et seq.

Tire Recycling and Disposal (Including Fees)

Tire may be disposed of only at property designated for the disposal of scrap tires. Persons storing 800 or more scrap tires or transporting scrap tires must register with the state. Tires may only be given to persons licensed to transport and/or store scrap tires. Washington also has regulations pertaining to the method of storage, operating requirements, groundwater monitoring, and financial assurance requirements.

Washington law requires retailers of new vehicle tires to collect a state tire fee of \$1 per tire on all sales of new tires until June 30, 2010. The fees are to be held in trust by the retailer and paid to the department of revenue via an excise tax return. Retailers may keep 10% from the total amount collected, but must pay sales tax on the amount retained. The mandatory state tire fee is not subject to sales tax. As such, it may not be included in calculating shop fees.

There is no express prohibition on charging an additional tire disposal fee or including such a charge in calculating shop fees.

Rev. Code Wash. §§ 70.95.500-.570; WAC §§ 458-20-272(2), 173-350-350

Warranties

The repair facility shall make available, upon request, a copy of any express warranty provided by the repair facility to the customer that covers repairs performed on the vehicle. If the repair work is performed under warranty or without charge to the customer, other than an applicable deductible, the repair facility shall provide either an itemized list of parts supplied, or describe the service performed on the vehicle, but the repair facility is not required to provide any pricing information for parts or labor.

Rev. Code Wash. §§ 46.71.051 and 46.71.015(3)

West Virginia

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Advertising

No Statutes/Regulations available at this time

Estimates

No Statutes/Regulations available at this time

Filter Recycling and Disposal

West Virginia follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. West Virginia requires that used oil filters be hot-drained for 24 hours.

40 CFR 261.4(b)(13)

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Disclosure

Repair shops must disclose the use of aftermarket crash parts. The disclosure must specify:

- Whether the replacement parts are genuine crash parts;
- The manufacturer of the replacement aftermarket crash parts; and
- Clearly and conspicuously place in an estimate, the following statement:

"THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET CRASH PARTS THAT ARE NOT MANUFACTURED BY THE ORIGINAL MANUFACTURER OF THE VEHICLE OR BY A MANUFACTURER AUTHORIZED BY THE ORIGINAL MANUFACTURER TO USE ITS NAME OR TRADEMARK. THE USE OF AN AFTERMARKET CRASH PART MAY INVALIDATE ANY REMAINING WARRANTIES OF THE ORIGINAL MANUFACTURER OF THE CRASH PART"

W. Va. Code § 46A-6B

Parts Return

No Statutes/Regulations available at this time

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of lead acid batteries must accept used lead acid batteries from customers who purchase new lead acid batteries. However, there is no mandatory state battery fee. Additionally, retailers must post a written notice at least 8.5" x 11" in size which contains the universal recycling symbol and the following language:

- "It is unlawful to dispose of a lead acid battery in a W. Va. landfill."
- "Please RECYCLE your used batteries."
- "State rules require us to accept used or spent lead acid batteries for recycling in exchange for new batteries purchased from the dealer. Note: It is not necessary to exchange a used battery in order to purchase a new one."

The State is responsible for producing, printing and distributing these notices.

Tire Recycling and Disposal (Including Fees)

Permits are required for the operation of a solid waste facility, waste tire monofill, waste tire processing facility, and the accumulation of waste tires by any other person. Waste tires may only be disposed of at facilities holding a valid permit for waste tire disposal. Open burning of waste tires is also prohibited.

There is a state tire disposal fee in West Virginia. However, unlike most other states, which assess the fee on the sale of each new tire, West Virginia imposes a \$5 tire disposal fee for each new certificate of title issued. As such, retailer sellers of tires have no fee collection obligations.

Retailers are required to accept waste tires from customers purchasing new tires. Additionally, customers purchasing new tires are required to provide a used waste tire to the retailer or sign a waiver, provided to the retailer by the State, acknowledging that he or she is retaining the waste tire and that he or she is legally responsible for proper disposal of the tire. Customers buying winter tires are permitted to retain usable summer tires for later installation without signing the waiver.

Retailers must also post in a conspicuous place a written notice at least 8.5" x 11" in size that contains the following statements:

- "State law requires us to accept your (old) waste tires for recycling or proper disposal if you purchase new tires from us."
- "State law authorizes us to charge you no more than the actual cost of disposal of your waste tires even if you do not leave your tires with us."
- "It is a crime to burn, bury, abandon or throw away waste tires without authorization and or permits from the Department of Environmental Protection."

This notice is to be furnished to the retailers by the State.

West Virginia law expressly permits retailers to charge an additional tire disposal fee. However, these fees are limited to the actual costs of lawful waste tire disposal. There is no express condition against including such a fee in calculating shop fees.

W. Va. Code §§ 22-15-21, 17A-10-16

Warranties

No Statutes/Regulations available at this time

Wisconsin

Additional Notices/Disclosures

A repair shop may not sell a non OEM replacement part that is not labeled with the manufacturer's name.

Wis. Stat. § 100.44

Additional Resources

Used Oil Filter Fact Sheet:

http://www.dnr.state.wi.us/org/aw/wm/publications/hazard/sw_135.pdf

Advertising

Wisconsin generally prohibits the advertising of sales for items below cost.

Wis. Stat. § 100.30 et. seq.

Equipment

Equipment used in the recovery or recycling of refrigerants must be approved by the Department of Agriculture, Trade and Consumer Protection. The Department uses SAE certification standards for the specific types of refrigerants.

Wis. Adm. Code ATPC § 136.12

Estimate Alternative:(Firm Price Quotes)

Estimate Alternative / Firm Price Quotations (Wis. Adm. Code ATPC § 132.04)

Before a shop starts any repairs totaling \$50 or more, the shop must provide the customer with either a statement of estimate alternatives or a firm price quotation.

Statement of Estimate Alternatives

A statement of estimate alternatives, if provided, must be conspicuously printed on either the repair order or on a separate document attached to the repair order and contain the following language:

“YOU ARE ENTITLED TO A PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED. THE REPAIR PRICE MAY BE LESS THAN THE ESTIMATE, BUT WILL NOT EXCEED THE ESTIMATE WITHOUT YOUR PERMISSION. YOUR SIGNATURE WILL INDICATE YOUR ESTIMATE SELECTION.

1. I request an estimate in writing before you begin repairs.
2. Please proceed with repairs, but call me before continuing if the price will exceed \$ _____.
3. I do not want an estimate. _____”

Firm Price Quotation

A firm price quotation, if provided, must be written on the repair order and contain the following language:
“THIS PRICE FOR THE AUTHORIZED REPAIRS WILL NOT BE EXCEEDED IF THE MOTOR VEHICLE IS DELIVERED TO THE SHOP WITHIN 5 DAYS.”

Estimates (General)

A written estimate is required before a repair shop may perform repairs totaling \$50 or more. The repair shop must provide the customer with a copy of the written estimate unless there was no face-to-face contact between the customer and the shop representative when the repairs were authorized. Estimates must include the following information:

- The name and address of the shop;
- The name and address of the customer;
- The model, make and license number of the motor vehicle if the motor vehicle is in the shop's possession;
- The repair price information required under ATCP 132.04, if any (see below);
- The estimated date by which the repair will be completed, if an estimated completion date is required;
- Notice that customer is entitled to inspect or receive any components, parts or accessories replaced or removed by the shop;
- A description of the repairs authorized by the customer;
- The date the repair order is written; and
- The signature of a shop representative.

Wis. Adm. Code ATCP § 132.03

Estimates (Other)

Estimated Completion Date (Wis. Adm. Code ATCP § 132.05)

Before a repair shop starts any repairs for which it has accepted a prepayment of \$250 or more, the shop must give the customer an oral or written estimate of the completion date. The estimated completion date must be recorded on the repair order.

Additional Repairs/Authorization (Wis. Adm. Code ATCP § 132.06)

Before a shop starts any additional repairs, beyond those previously authorized by the customer, the customer must be contacted and provided with all of the following:

- A description of the proposed additional repairs;
- A good faith estimate of the price for the proposed additional repairs; and
- A good faith estimate of the total repair price, including the previously authorized repairs and the additional repairs.

No shop may perform any additional repairs, beyond those previously authorized by the customer, unless the customer authorizes those additional repairs after receiving this information. Authorization may be given verbally. If a shop has reason to believe that the price for any repairs will exceed the estimate for those repairs, the shop may not proceed with the repairs until a shop representative contacts the customer, provides the customer with a new good faith estimate of the repair price, and obtains the customer's authorization to proceed. If a shop has reason to believe that repairs will not be completed by the estimated completion date, the shop may not proceed with repairs until a shop representative contacts the customer, provides the customer with the shop's new estimated completion date, and obtains the customer's authorization to proceed.

If a customer gives additional authorization, the following information must be recorded on the repair order or invoice:

- The date and time of authorization;
- The name of the person who gave the additional authorization;
- A description of the additional repairs authorized;
- The new total price estimate; and
- The new estimated completion date.

Diagnostic Charges [Wis. Adm. Code ATCP § 132.09(4)(g)]

Repair shops may charge a customer for preparing a repair estimate or firm price quotation only if both of the following criteria are met:

- The charge constitutes reasonable compensation for preliminary diagnostic work that is reasonably required for the shop to give the estimate or quote; and
- The repair shop disclosed the charge, or the rate at which the charge will be computed before the shop starts any diagnostic work for which a charge will be assessed.

Filter Recycling and Disposal

Non-terne plated used oil filters can be treated as solid waste if they are not mixed with a listed hazardous waste and are gravity hot-drained using any one of the following methods:

- (1) puncturing the filter anti-drain back valve or the filter dome and draining for a recommended 12 hours; or
- (2) hot-draining and crushing the filter; or
- (3) dismantling and hot-draining; or
- 4) an equivalent hot-draining method which adequately removes used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13), see also "Used Oil Filter Fact Sheet" (link in "Additional Resources Section" below)

Invoices

Invoices covering every repair made by the shop must be provided to customers and include the following information:

1. The name and address of the shop;
2. The name and address of the customer;
3. The date on which the repaired motor vehicle, component, part or accessory is tendered back to the customer;
4. The model, make and license number of the motor vehicle, if the motor vehicle has been in the shop's possession;
5. The odometer reading when the motor vehicle was received by the shop, if the motor vehicle has been in the shop's possession;
6. The price for the repairs, stated as the total price or as separate total prices for parts and labor;
7. An itemized description of the labor, parts, components and accessories supplied in connection with the repairs, including items supplied without cost or at reduced cost because of a shop or manufacturer's warranty. If units of labor time based on flat rate average time are stated on the invoice, the actual labor time shall also be stated;
8. If any labor, part, component or accessory carries a warranty from the shop or manufacturer, a statement or notation indicating that fact;
9. If any part, component or accessory is used, rebuilt, recycled or reconditioned, a statement or notation indicating that fact;
10. The identity of each person performing the repairs, including the name of any shop that performed all or part of the repairs as a subcontractor. If a shop employs more than 10 repair personnel who work in teams, the repair invoice may specify the name of the team leader whose team performed the repairs, instead of the individuals who performed the repairs, provided the shop keeps records indicating which team members worked on each repair;
11. The following statement, printed verbatim:
"Motor vehicle repair practices are regulated by chapter ATCP 132, Wis. Adm. Code, administered by the Bureau of Consumer Protection, Wisconsin Dept. of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, Wisconsin 53708-8911."

Wis. Adm. Code ATCP § 132.08

Licensing and Registration

Repair facilities engaged in repair or servicing mobile air conditioners must be registered with the state. Each business location must obtain a separate registration. The application fee for each business location is \$120. Applications must be made on forms provided by the Wisconsin Department of Agriculture, Trade & Consumer Protection.

Wis. Adm. Code ATCP § 136.02

Mechanic Certification

Technicians who work on mobile air conditioners must complete a training program approved by the Department of Agriculture, Trade and Consumer Protection and must then be registered with the state.

Wis. Adm. Code ATCP §§ 136.04, 136.08

Other Mandatory State Fees

No Statutes/Regulations available at this time



Parts Return

Repair shops must only return replaced parts if the customer, before the shop starts the repairs, requests to have the parts returned. If the shop is required to return a replaced part under a warranty or exchange agreement, the repair shop need not return the part to the customer, but the replaced parts must be made available for inspection by the customer.

Wis. Adm. Code ATCP § 132.07

Record Retention

Repair shops must keep the following repair records for at least 2 years:

- The repair order and repair invoice for each repair, including any additional authorization documents;
- Records identifying the individual repair personnel who worked on each repair; and
- Invoices for motor vehicle parts, components and accessories purchased by the shop.

Wis. Adm. Code ATCP § 132.10

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Wisconsin's general consumer protection laws. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of new lead acid batteries are required to accept used lead acid batteries from customers purchasing new batteries at no charge. Retailers may charge up to a \$5 deposit per battery if a used battery is not provided. This deposit must be refunded if the customer returns a used lead acid battery during normal business hours at any business location owned or operated by the retailer. There is no time limit for customers to return used batteries, but they must provide proof that they purchased a battery from the retailer.

Retailers must also accept used batteries from consumers who do not purchase new batteries. However, retailers are only required to accept 2 batteries from a person in one day and may charge a fee of up to \$3 per battery if the consumer did not purchase a new battery.

Additionally, retailers must display a notice provided by the State regarding the disposal of batteries. The notice must be 8.5" x 11" and contain the following information:

- That it is illegal to dispose of a motor vehicle battery or other battery in a landfill or incinerator;
- That batteries should be recycled; and
- That state law requires retailers to accept used batteries in trade and in some other instances.

Wis. Stat. § 287.18

Tire Recycling and Disposal (Including Fees)

Disposal of waste tires in landfills is prohibited. The Wisconsin Department of Natural Resources has the authority to declare a tire dump a nuisance. However, the following entities are among those exempt from being considered a nuisance:

- (1) a retail business premises where tires are sold if no more than 500 waste tires are kept on the premises at one time;
- (2) the premises of a tire retreading business if no more than 3,000 waste tires are kept on the premises at one time;
- (3) a premises where tires are removed from motor vehicles in the ordinary course of business if no more than 500 waste tires are kept on the premises at one time.

Wis. Stat. §§ 287.07(3)(j), 289.55

Warranties

If a repair shop provides a warranty, a notation indicating that fact must be included on the invoice.

Wis. Adm. Code ATCP § 132.08

Wyoming

Additional Notices/Disclosures

No Statutes/Regulations available at this time

Advertising

No Statutes/Regulations available at this time

Estimates

No Statutes/Regulations available at this time

Filter Recycling and Disposal

Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. WY recommends that used oil filters be hot-drained for 12 hours prior to disposal. Wyoming encourages the recycling of both used oil filters and used oil.

40 CFR 261.4(b)(13); WCWR 020-110-002 Section 261.4(b)(13)(M).

Invoices

No Statutes/Regulations available at this time

Other Mandatory State Fees

No Statutes/Regulations available at this time

Parts Return

No Statutes/Regulations available at this time

Prohibited Acts

It is a deceptive trade practice to represent that goods are new or original if they are deteriorated, reconditioned, reclaimed, used or secondhand.

Wyo. Stat. § 40-12-105(a)(xii)

Record Retention

No Statutes/Regulations available at this time

Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Wyoming's Consumer Protection Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

State Battery Recycling and Fees

Retailers of lead acid batteries must accept used lead acid batteries from customers who purchase new lead acid batteries. However, there is no mandatory state battery fee. Additionally, retailers must post a written notice at least 8.5" x 11" in size which contains the universal recycling symbol and the following language:

- "It is illegal to discard a motor vehicle or other lead acid battery."
- "Recycle your used batteries."
- "State law requires us to accept used motor vehicle or other lead acid batteries for recycling in exchange for new batteries purchased."

The State is responsible for producing, printing and distributing these notices.

Wyo. Stat. § 35-11-510

Tire Recycling and Disposal (Including Fees)

Scrap tires are considered a solid waste in Wyoming. Scrap tires may be disposed of only in permitted municipal and industrial landfills.

For more information, see Wyoming Solid Waste Guideline # 21 (Standards for Scrap Tire Management), available at: <http://www.warws.com/documents/ScrapTires.pdf>

Warranties

No Statutes/Regulations available at this time

**AUTOMOTIVE
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