



**SENATE AMENDMENT 3,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 1997 SENATE BILL 225**

March 12, 1998 – Offered by Senator DRZEWIECKI.

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 1, line 9: delete lines 9 to 11.
- 3 **2.** Page 2, line 2: delete lines 2 and 3.
- 4 **3.** Page 2, line 11: delete lines 11 to 17.
- 5 **4.** Page 2, line 22: delete lines 22 and 23.
- 6 **5.** Page 3, line 12: after that line insert:
- 7 “(c) At the time of applying for the motor vehicle insurance, or at the most recent
- 8 renewal of the motor vehicle insurance policy, whichever is later, the insured
- 9 reserved the right to request that only original manufacturer replacement parts be
- 10 used in the repair of the insured’s motor vehicle, as provided in sub. (6).”.
- 11 **6.** Page 3, line 13: delete lines 13 and 14 and substitute:

1 “**SECTION 11g.** 632.38 (6) of the statutes is created to read:

2 **632.38 (6) RESERVATION OF RIGHT TO REQUEST ORIGINAL MANUFACTURER**
3 REPLACEMENT PARTS. (a) Unless sub. (5) (a) will not apply to the motor vehicle that
4 will be insured under the policy, an insurer that writes motor vehicle insurance that
5 covers the repair of an insured’s motor vehicle shall include in the application for
6 such insurance a provision that does all of the following:

7 1. Requires the applicant to indicate, in the alternative, whether the applicant
8 reserves the right under sub. (5) to request that only original manufacturer
9 replacement parts be used in the repair of the motor vehicle that will be insured
10 under the policy.

11 2. Advises the applicant that sub. (5) may not apply to the applicant’s motor
12 vehicle and that more information may be obtained from the insurer or agent.

13 (b) Unless sub. (5) (a) will not apply to the motor vehicle that is insured under
14 the policy, at each renewal of a motor vehicle insurance policy that covers the repair
15 of the insured’s motor vehicle, the insurer shall do all of the following:

16 1. Require the insured to indicate, in the alternative, whether the insured
17 reserves the right under sub. (5) to request that only original manufacturer
18 replacement parts be used in the repair of the motor vehicle that is insured under
19 the policy.

20 2. Advise the insured that sub. (5) may not apply to the insured’s motor vehicle
21 and that more information may be obtained from the insurer or agent.

22 (c) Unless sub. (5) (a) will not apply to the motor vehicle that is insured under
23 the policy, at issuance or renewal of a policy specified in this subsection, the insurer
24 shall include in the policy a statement that does all of the following:

1 1. Indicates whether the insured reserves the right under sub. (5) to request
2 that only original manufacturer replacement parts be used in the repair of the motor
3 vehicle that is insured under the policy.

4 2. Advises the insured that sub. (5) may not apply to the insured's motor vehicle
5 and that more information may be obtained from the insurer or agent.

6 (d) Nothing in this subsection requires the use of original manufacturer
7 replacement parts in the repair of an insured's motor vehicle if any of the conditions
8 specified in sub. (5) (a) to (c) is not met.”.

9 **7.** Page 4, line 3: delete lines 3 to 11 and substitute:

10 “(3) The treatment of section 632.38 (6) of the statutes first applies to
11 applications made, policies issued on the basis of applications made and policies
12 renewed, on the effective date of this subsection.

13 **SECTION 14m. Effective date.**

14 (1t) This act takes effect on the first day of the 7th month beginning after
15 publication.”.

16

(END)