Recent Legislative Activity
Automobile Repair Parts

Several states have enacted laws to regulate the use of nonoriginal equipment manufacturers' aftermarket automobile repair parts. An aftermarket repair part is a nonmechanical sheet metal or plastic replacement part, which generally includes inner and outer panels. A nonoriginal equipment manufacturer ("non-OEM") aftermarket repair part is a replacement part not made for or by the motor vehicle manufacturer.

Idaho's new law requires that an auto repair facility disclose in writing to the car owner whenever it uses a nonoriginal equipment manufacturer's aftermarket repair part. The repair facility's written estimate must clearly identify each non-OEM part by logo or manufacturer's name, and the facility must install the part so that, whenever practicable, the logo or manufacturer's name is visible. 1990 Idaho Sess. Laws 156.

South Dakota's Crash Part Labeling Act requires that each non-OEM aftermarket repair part have the logo or name of the manufacturer on the part. No installer may require that a non-OEM aftermarket repair part be used in making a repair. In addition, no installer may use a non-OEM part unless the consumer approves after written notification. The notification must clearly identify the part to be used and explain that the cost estimate is based on using crash parts supplied by a source other than the manufacturer of the vehicle. 1990 S.D. Laws 142.

Iowa's Motor Vehicle Service Trade Practices Act requires a repair facility to disclose to the consumer if the facility is using a non-OEM aftermarket repair part. After January 1, 1991, an aftermarket repair part must display the logo or name of the manufacturer and, whenever possible, be installed so that the logo or name of the manufacturer is visible.

The new law also requires that all authorization forms conspicuously notify consumers that they have the right to a written or oral estimate if the expected cost of the repairs or service exceeds fifty dollars. The forms also must notify the consumer that the bill will not exceed the estimate by more than ten percent, unless the consumer authorizes the greater amount before the repairs are finished. 1990 Iowa Legis. Serv. 81 (West).

Organic Food Labeling

Idaho enacted a new law regulating the use of the word "organic" in marketing and labeling foods. The law sets up a procedure for certifying organically grown foods. An organically grown food is any food product that is produced without the use of synthetically compounded fertilizers, pesticides, or growth regulators, for a period exceeding thirty-six months prior to harvest. The law does not cover livestock, poultry, dairy and aquaculture products. Violators may be penalized up to $3,000 for each time a product is misrepresented as organically grown. In addition, the Idaho Department of Agriculture may require that persons or producers of certified "organic" food pay a fee to reimburse the Department for the costs of the certification program. 1990 Idaho Sess. Laws 145.

New Mexico's Organic Commodity Act establishes an organic commodity commission to administer an organic food certification program. The commission may establish standards for labeling food as organically produced. The commission may publish an organic certification handbook to provide to consumers reliable information about organic products. The handbook would set forth the certification standards for producing, handling, processing, labeling, and distributing organically produced food. 1990 N.M. Laws 122.

Virginia enacted the Organic Food Act. The law allows for the terms "organic" or "organically grown" to be used only in labeling or representing a food or agricultural product under the following conditions: (1) raw agricultural products sold in their unpeeled natural form; and (2) produce not containing non-organic additives. 1990 Va. Acts. 347.

Automated Telephone Solicitors

Maine enacted a law to protect consumer privacy by regulating automated telephone solicitors. An automated telephone solicitor selects, dials, and/or calls telephone numbers and plays a recorded message. Automated telephone solicitors only may be used between 9:00 a.m. and 5:00 p.m., and the device must disconnect within five sec-
Telefacsimile Messages

Washington enacted a new Telefacsimile Messages law that prohibits sending unsolicited telefacsimile messages that promote goods or services for purchase by the message recipient. The receiver may sue the person who sends him or her such an unsolicited facsimile and recover up to $500 or actual damages, whichever is greater. 1990 Wash. Legis. Serv. 221.

Credit Service

Indiana enacted the Credit Services Organizations Act to govern credit services organizations. A credit service organization sells, provides, performs, or represents that it can or will sell, provide, or perform any of the following services: (1) improving a buyer's credit report, credit record, credit history or credit rating; (2) obtaining an extension of credit for a buyer or providing credit advice; or (3) assisting a buyer to obtain credit or improve his or her credit rating.

The law requires that credit service organizations provide to buyers a written statement that contains a complete and detailed description of the services to be performed by the credit organization and the total cost of the services. The notice must inform the consumer of his or her right to cancel the contract within three business days after the contract is signed.

Under the Federal Inspection for Seafood Healthfulness Act of 1989 (H.R. 3508; S. 1245), the United States Department of Agriculture ("USDA") would be empowered to oversee seafood inspections. Seafood processors would be required to have the USDA pre-approve any labels or packaging to avoid false or misleading statements. The processors also would be required to keep records of where they caught the seafood, where the seafood is to be sent, and any other relevant information that the USDA would require. The USDA would be empowered to inspect processing locations, whether on land or at sea, at any time, and sample, contain, and begin condemnation proceedings if contaminated seafood is found. The bill would also require random testing of imported seafood. H.R. 3508, 101st Cong. 1st Sess. (1989); S. 1245 101st Cong. 1st Sess. (1989).