



43 AMOG/JA



JAG FACTS **VEHICLE REPAIRS**

1. BE PREPARED:

If your car is in need of repairs, find a reputable shop, know your rights, make sure you understand everything in advance, and speak up for yourself! The NC Attorney General's Office recommends that you check to see that the mechanics are ASE (National Institute for Automotive Excellence) certified and that a sign is posted explaining your rights under North Carolina law.

2. LAW:

The North Carolina Motor Vehicle Repair Act, N.C.G.S. 20-354, protects consumers when auto repairs cost more than \$350.00. However, even if your repair is not covered by the Motor Vehicle Repair Act, the Unfair and Deceptive Trade Practices Act, N.C.G.S. 75-1.1, will still apply.

3. ESTIMATES:

The repair shop should give you a written estimate of the repairs and always ask about warranty terms before you agree to repairs. BEWARE of any shop that asks for payment in advance. The repair shop must make the estimate in good faith and cannot exceed it by more than 10% without notifying the customer and gaining his or her consent. The actual bill can be less than the estimate. If the auto mechanic underestimates the cost of repairs and the customer refuses to agree to the higher price, the repair shop must agree to allow the customer to retake possession of the vehicle in at least as good a condition as it was when delivered to the shop. The customer will be required to pay for repairs that were done up to the amount of the estimate plus 10%. A repair shop may not charge for making a repair estimate unless, prior to making the estimate, the shop discloses to the customer the amount of the estimate charge or, if that amount cannot be accurately determined, the basis on which the charge will be calculated. It is illegal for a shop to impose, or threaten to impose, a charge that is clearly excessive in relation to the work involved in making the price estimate.

4. RETURN OF PARTS:

Upon the customer's request, an auto mechanic is also required to return parts from a customer's vehicle that has been replaced. In order to obtain the replacement part, the customer must tell the auto mechanic that he/she wishes the parts to be returned at the time the work order

is prepared. The law does provide that parts which must be returned to the manufacturer because of a warranty or exchange agreement need only be made available for the customer's inspection when he retakes possession of the vehicle.

5. ILLEGAL PRACTICES:

Per the Motor Vehicle Repair Act, N.C.G.S. 20-354.8, it is illegal for a repair shop to do any of the following:

- (1) Charge for repairs which have not been expressly or impliedly authorized by the customer.
- (2) Misrepresent that repairs have been made to a motor vehicle.
- (3) Misrepresent that certain parts and repairs are necessary to repair a vehicle.
- (4) Misrepresent 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.
- (5) Fraudulently alter any customer contract, estimate, invoice, or other document.
- (6) Fraudulently misuse any customer's credit card.
- (7) Make or authorize in any manner or by any means whatever any 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, related to this Article.
- (8) Make fraudulent promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of a motor vehicle.
- (9) Substitute used, rebuilt, salvaged, or straightened parts for new replacement parts without notice to the motor vehicle owner 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.
- (10) Cause or allow a customer to sign any work order that does not state the repairs requested by the customer.
- (11) Refuse to give to a customer a copy of any document requiring the customer's signature upon completion or cancellation of the repair work.
- (12) Rebuild or restore 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.
- (13) Perform any other act that is a violation of this Article or that constitutes fraud or misrepresentation under this Article.

5. RESPONSIBILITIES:

Remember to speak up for your rights!!! Most of the above-mentioned consumer rights, come into effect only if the customer invokes them. Repair shops have no independent duty to give estimates or return parts unless they are requested to do so. Be sure to settle all details up front; do not wait until there is a problem.

Updated July 2021, 43 AMOG/JA Legal Assistance Office 910-394-2341. This handout is not intended to take the place of legal advice from a Judge Advocate. Please contact the 43 AMOG/JA for questions and further information.