

Chapter ATCP 132

MOTOR VEHICLE REPAIR

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Note: Chapter Ag 132 was renumbered chapter ATCP 132 under s. 13.93 (2m) (b) 1, Stats., Register, April, 1993, No. 448.

Note: This chapter is adopted under authority of s. 100.20 (2), Stats., and is administered by the Wisconsin department of agriculture, trade and consumer protection. Violations of this chapter may be prosecuted under s. 100.20 (6), 100.26 (3) or (6), Stats. A person who suffers a monetary loss because of a violation of this chapter may sue the violator directly under s. 100.20 (5), Stats., and may recover twice the amount of the loss, together with costs and reasonable attorneys' fees.

**ATCP 132.01 Definitions.** (1) "Motor vehicle" means any self-propelled vehicle as defined in ch. 340, Stats., which is required to be registered with the state of Wisconsin division of motor vehicles, or with an equivalent governmental agency of another state, but does not include any vehicle whose manufacturer's specified gross vehicle weight rating exceeds 16,000 lbs.

(2) "Shop" means any individual, corporation, partnership, or other form of business organization engaged in the motor vehicle repair business, and all officers, directors, agents, employes, and representatives thereof, but excludes the following:

(a) A shop engaged solely in the business of repairing the motor vehicles of a single commercial, industrial or governmental establishment, or of 2 or more such establishments which are related by common ownership or corporate affiliation.

(b) A person repairing his or her own or a family member's motor vehicle.

(3) "Customer" includes any person authorized by the customer to act on the customer's behalf.

(4) "Repair" means the improvement, adjustment, replacement, examination, diagnosis, maintenance, servicing, removal or installation of any component or part of a motor vehicle, but does not include towing or the supply of motor fuel to a motor vehicle.

History: Cr. Register, June, 1975, No. 234, eff. 9-1-75; correction in (2) (b) made under s. 13.93 (2m) (b) 5, Register, April, 1993, No. 448.

**ATCP 132.02 Repair order.** Prior to the commencement of any repairs whose price to the customer may exceed \$25.00, the shop shall provide the customer with a copy of a dated written repair order legibly describing the repairs to be performed; except that such copy need not be provided if the customer's motor vehicle has been brought to the shop without face-to-face contact between the cus-

tomers and a representative of the shop. The shop shall record the odometer reading of the customer's motor vehicle on the repair order, and shall sign the customer's copy.

History: Cr. Register, June, 1975, No. 234, eff. 9-1-75.

**ATCP 132.03 Repair price information.** (1) GENERAL REQUIREMENT. Prior to the commencement of any repairs whose price to the customer may exceed \$25.00, the shop shall provide the customer with either:

(a) A price quotation for the repairs, pursuant to sub. (2), or

(b) A choice of estimate alternatives, pursuant to sub. (3); except that neither a price quotation nor a choice of estimate alternatives need be provided if the customer's motor vehicle has been brought to the shop without face-to-face contact between the customer and a representative of the shop. Nothing in this section shall be construed as requiring a shop to provide a price quotation or choice of estimate alternatives if the shop does not agree to perform the requested repairs; but no shop shall make the performance of repairs contingent upon the customer's waiver of any right under this chapter.

(2) PRICE QUOTATION. (a) If the shop elects to give the customer a price quotation for the requested repairs, rather than a choice of estimate alternatives, such quotation shall be made in writing on the repair order, and shall be accompanied by the statement, conspicuously printed on the repair order, that:

"THIS PRICE FOR THE AUTHORIZED REPAIRS WILL NOT BE EXCEEDED IF THE MOTOR VEHICLE IS DELIVERED TO THE SHOP WITHIN 5 DAYS."

(b) The price quoted for the authorized repairs shall not be exceeded if the customer's motor vehicle is delivered to the shop within 5 days after the date on which the price is quoted in writing on the repair order.

(3) ESTIMATE. (a) If the shop elects to give the customer a choice of estimate alternatives, rather than a price quotation, the following statement shall be conspicuously disclosed to the customer either on the repair order or by a form, attached to the repair order, on which the repair order number has been entered:

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**"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.

(am) A copy of the signed statement shall be given to the customer along with a copy of the repair order, if the statement is on a separate form.

(b) If the customer signs estimate alternative 1, or if none of the estimate alternatives is signed by the customer, the shop shall provide the customer with a written, good faith estimate on the repair order prior to commencing repairs; except that no estimate need be provided if the repair price will not exceed \$25.00, or if the customer's motor vehicle has been brought to the shop without face-to-face contact between the customer and a representative of the shop, or if the shop gives the customer a price quotation for the repairs.

(4) **WAIVERS.** (a) The shop may accept a written revocable waiver, covering no fewer than 4 motor vehicles owned or leased by the customer, under which the customer waives the right to a prior price quotation or estimate for all repairs to such motor vehicles.

(b) Neither a revocable blanket waiver made pursuant to par. (a), nor a single estimate waiver made by signing alternative 3 under sub. (3) shall have effect unless made by the customer voluntarily and with knowledge of the meaning of the waiver.

(5) **CHARGES.** No shop shall charge for making a repair price quotation or estimate unless, prior to making the price quotation or 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. Nor shall any shop impose, or threaten to impose, a charge which is clearly excessive in relation to the work involved in making the price quotation or estimate.

History: Cr. Register, June, 1975, No. 234, eff. 9-1-75; corrections in (3) and (4) made under s. 13.93 (2m) (b) 1 and 5, Stats., Register, April, 1993, No. 448.

**ATCP 132.04 Authorization to proceed.** (1) Before undertaking any repairs other than those previously authorized by the customer, the shop shall call the customer and provide the customer with a description of the proposed additional repairs, together with a good faith estimate of the price for such repairs. The shop shall not then undertake the additional repairs until it receives the customer's written or oral authorization to do so.

(2) If the shop has given the customer an estimate and the price for the authorized repairs will exceed the estimate, or if the customer has signed estimate alternative 2 under s. ATCP 132.03 (3) and the price for the authorized repairs will exceed the amount designated, the shop shall call the customer before continuing with the repairs, and shall provide the customer with a new, good faith estimate of the repair price. The shop shall not then continue with the repairs until it receives the customer's written or oral authorization to do so.

(3) Any written authorization under sub. (1) or (2) shall be made on the repair order, or on the invoice where a repair order is not required by this chapter, and shall specify any newly authorized repairs, as well as the newly authorized repair price estimate. If authorization under sub. (1) or (2) is received orally, the shop shall specify on the repair order or invoice any newly authorized repairs, as well as the newly authorized repair price estimate; and it shall further specify the date and time of authorization, and the person and telephone number called.

History: Cr. Register, June, 1975, No. 234, eff. 9-1-75; correction in (1) made under s. 13.93 (2m) (b) 5, Stats., Register, April, 1993, No. 448.

**ATCP 132.05 Return of parts.** (1) Parts from a customer's motor vehicle which are replaced by the shop shall be returned to the customer if they are requested by the customer at the time the repair order is taken; except that parts which must be returned to the manufacturer because of a warranty or exchange agreement need not be returned to the customer upon such request, but shall instead be made available for the customer's inspection when the customer retakes possession of the motor vehicle.

(2) At the time the repair order is taken, the shop shall inform the customer, either orally or in writing, that the customer is entitled to the return of replaced parts if the customer requests them at that time; except that such disclosure need not be made if the customer's motor vehicle has been brought to the shop without face-to-face contact between the customer and a representative of the shop.

History: Cr. Register, June, 1975, No. 234, eff. 9-1-75; corrections made under s. 13.93 (2m) (b) 1, Stats., Register, April, 1993, No. 448.

**ATCP 132.06 Invoice.** The shop shall provide every customer, at the time the customer retakes possession of the motor vehicle, with a copy of a dated invoice for any repairs to the motor vehicle. The invoice shall include the following information:

(1) An itemized description of all labor, parts, and merchandise supplied, including that which is supplied without cost, or at reduced cost, to the customer because of a shop or manufacturer's warranty. Where labor, parts, or merchandise carry a warranty from the shop or manufacturer, such fact shall be stated on the invoice.

(2) If any used, rebuilt, or reconditioned part has been installed, a statement identifying such part as being used, rebuilt, or reconditioned, as the case may be.

(3) If any part of a system is composed of both new parts and used, rebuilt, or reconditioned parts, a statement indicating such fact.

(4) The price for the authorized repairs, stated as the total price or as separate total prices for parts and labor. If units of time based on flat-rate average time are stated, the actual time required to complete the repairs shall also be stated.

(5) The identity of each person performing the repairs, including the name of any shop retained as a subcontractor.

History: Cr. Register, June, 1975, No. 234, eff. 9-1-75.

**ATCP 132.07 Prohibited practices.** (1) No shop shall misrepresent, directly or by implication:

- (a) The cost of repairs authorized by the customer;
- (b) The terms or conditions of any warranty or service agreement;
- (c) That repairs are necessary;
- (d) That repairs have been made; or
- (e) 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.

(2) No shop shall collect or attempt to collect for:

- (a) Repairs not authorized either orally or in writing by the customer;
- (b) Repairs which the shop knew or reasonably ought to have known to be unnecessary; or
- (c) Repairs which have not been made.

(3) No shop which is also a warrantor or a party to a service agreement shall refuse to repair a motor vehicle in accordance with the terms and conditions of the warranty or service agreement.

(4) No shop shall fail to return any 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 pursuant to s. ATCP 132.03 or 132.04, provided that the customer pays the authorized price for the authorized repairs.

(5) No shop shall alter a customer's motor vehicle with intent to create a condition requiring repairs.

History: Cr. Register, June, 1975, No. 234, eff. 9-1-75.

**ATCP 132.08 Disclosure of rule.** The following statement shall 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 Wis. Adm. Code Chapter ATCP 132, administered by the Trade Division, Wis. Dept. of Agriculture, Trade and Consumer Protection, 801 West Badger Road, Madison 53713."

History: Cr. Register, June, 1975, No. 234, eff. 9-1-75; correction made under s. 13.93 (2m) (b) 6, Stats., Register, April, 1993, No. 448.

**ATCP 132.09 Records.** Every shop shall maintain repair records which shall include repair orders and attached forms, repair invoices, payroll records, and invoices for parts purchased by the shop. Such records shall be available for reasonable inspection by the Wisconsin department of agriculture, trade and consumer protection or other law enforcement agency, and shall be retained for at least 2 years.

History: Cr. Register, June, 1975, No. 234, eff. 9-1-75; correction made under s. 13.93 (2m) (b) 6, Stats., Register, April, 1993, No. 448.

**ATCP 132.10 Waiver.** No shop shall solicit or accept the waiver of any provision of this chapter, except as specifically authorized in this chapter.

History: Cr. Register, June, 1975, No. 234, eff. 9-1-75.