

Tyndall AFB Preventive Law Program Series

Legal Assistance Series

CAR REPAIRS

This handout contains basic information. If you have specific questions, come in to see a Judge Advocate for legal assistance.



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CAR REPAIRS

PART I

One of the most common and frustrating consumer problems is in the area of car and truck repairs. The Legal Office receives many complaints about overcharging, poor quality workmanship, and deception in repairing automobiles. Here are some tips to protect yourself when your car needs repair.

DO YOUR HOMEWORK

Your best protection from fraud and faulty repair work is to find a reputable mechanic or repair shop before your car needs to be repaired.

- Ask your friends if they know a reliable mechanic.
- After you have selected some repair shops, call the Better Business Bureau, the Attorney General's office in your area, or the Legal Office and ask if anyone has complained about the shops you are considering.
- Ask the shops for some past customers you can contact to see if they were satisfied with the shop's work.
- Check with Auto Clubs.
- Check the National Society of Automotive Excellence.

GET IT IN WRITING

You should ask the repair shop to give you a written estimate before any work is done on your vehicle. Then tell the mechanic, "If my car requires any additional parts or labor over the estimate, call me with the information before you do anything." Your final bill should be close to the estimated price. Also, get all "Guarantees in Writing, and Keep a copy of the estimate agreement for yourself." If the charge is much higher than the estimate, or if the work was done without your authorization and you feel that you have been overcharged, question the bill. Have the shop write out the reasons for the difference in cost. Keep that information. If you refuse to pay a repair bill, the mechanic has the legal right to keep your car until you pay, unless you follow the procedures in Part II of this handout.

IF YOU HAVE PROBLEMS

If you have been overcharged, a private attorney is likely to be able to get your car back without you paying the unreasonable charge, but the court proceedings can be expensive. Often the easiest solution is to pay the bill, making clear that you do not agree to it, then sue the shop for return of the excessive amount plus any penalties that may be allowed under state law. These laws vary from state to state. You should consult the Legal Office to find out what protections you have in the state where your installation is located. Here are a few tips to remember:

- Get everything in writing, and keep every piece of paper.

- Ask the mechanic for your old parts back (some parts such as alternators and brake shoes are returned to the parts supplier for a refund, so you may not be able to get them).
- Tell the shop manager clearly and calmly that you are dissatisfied. Write down what the response is. See if you can get the manager to reduce the charge.

WHAT TO DO - GET A "SECOND OPINION"

If you suspect that the repair shop has violated any of these laws, and you can't get them to resolve the problem to your satisfaction, your first step should be to take your car to another repair shop. Give the mechanic a copy of your itemized receipt and order an inspection of the alleged repairs and parts. Get their report in writing. If you notice the same problem is recurring, or find a new problem that should not have arisen, you will be in a better position to negotiate a refund from the first mechanic if you get a second mechanic's opinion of the work done - in writing.

WHAT THE LAW SAYS

Most states have no comprehensive statute specifically governing auto repairs. Florida is one of the states that has a law covering motor vehicle repairs. Additionally, most states have a Deceptive Trade Practices-Consumer Protection Act which includes some sections which deal with repairs. Under such laws it is illegal to:

- Knowingly make a false or misleading statement of fact about the need for parts, replacement or repair service.
- Represent that work has been done, or parts replaced, when that isn't true.
- Represent that goods are original or new, when in fact they are secondhand or refurbished.

TIPS TO REMEMBER - Here is a summary of the auto repair tips you should remember:

- Find a good, reputable mechanic before your car needs repair.
- Try to settle the matter amicably with the shop owner before taking any other action.
- If you have an auto repair problem and the shop will not correct the problem, the Attorney General's Consumer Protection office in your state may be of assistance. Also, if there is a Better Business Bureau in your area, it may offer a mediation service to help resolve your problem. A good first step should be to contact your Legal Office.
- Get an estimate in writing before letting the shop do any work. Tell them to call you before they do the work if parts and/or labor above the estimate are required.
- If you refuse to pay a repair bill, the mechanic has the legal right to keep your car until you pay.

- Get your old parts back, if possible.
- Get everything in writing.

PART II

FLORIDA MOTOR VEHICLE REPAIR ACT (Chapter 559.901 - .9221)

This law governs motor vehicle repair for consumers in Florida. In Florida, motor vehicle repair shops engaged or attempting to engage in the business of motor vehicle repair must register with the Department of Agriculture and Consumer Services prior to doing business in the State. There are some exceptions, most notably, individuals who repair motor vehicles that they own, maintain, and operate exclusively for their own use and those that repair vehicles that are principally operated for agricultural uses. Motor vehicles covered under the law include automobiles, trucks, buses, recreational vehicles, motorcycles, motor scooters or other powered vehicles.

WRITTEN REPAIR ESTIMATES

There can be no charge for an estimate of work unless that charge is disclosed to you prior to making the estimate. The law requires that if the cost of repair work will exceed \$100.00, a repair shop must prepare a written estimate. This includes the cost of any diagnostic work. However a customer can give up this right in writing. Generally, a copy of the written repair estimate and required disclosure statement about written estimates must be given to the customer before repair or diagnostic work has begun. Repair shops must prepare bills in a certain form and retain records for a certain period of time. Replaced parts must be returned to the customer or made available for the customer to look at.

There are certain items required on an estimate. Fla. Stat. § 559.905 spells these out.

CHARGES IN EXCESS OF ESTIMATE

A customer must be promptly notified by phone, mail, or other means if actual repair costs are expected to exceed the written estimate by more than \$10 or 10%, whichever is greater, but not more than \$50. If this is the case, the customer may cancel the repair order. Upon cancellation of a repair order, a repair shop is required to reassemble the motor vehicle to a reasonably similar condition in which it was received, unless the customer waives reassembly or the reassembled vehicle would be unsafe. A shop may charge for reassembly, teardown, and replacement parts destroyed in teardown if the customer was notified of these possible costs in the estimate prior to start of diagnostic work.

RELEASE OF VEHICLE HELD BY REPAIR SHOP

To get his or her vehicle released, a customer can post a cash or surety bond with the court. The amount of this bond must be at least the written invoice amount plus any accrued storage costs, minus any prepayments. Any repair shop that refuses release of a vehicle, after receipt of the clerk's certificate confirming posting of a

sufficient bond, is subject to judicial proceedings to compel release of the vehicle. The winning party can collect attorneys' fees. Failure to release a vehicle after receipt of the clerk's certificate is a crime chargeable and punishable as a second degree misdemeanor.

If you have questions or need advice on Car Repairs, please call your Legal Office for more information or go to the Florida Statutes online at:

<http://www.leg.state.fl.us/Statutes/>

and go to Chapter 559.