

Automobile Repairs

THIS PAMPHLET contains basic information on this particular legal topic for your general information. If you have specific questions, contact the Legal Assistance Office.



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One of the most common and frustrating consumer problems lies in the area of car and truck repairs. The Legal Assistance Office receives many complaints about overcharging, poor workmanship, and deception in repairing of automobiles. Here are some tips to protect yourself when your car or truck 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 (BBB), the Attorney General's office in your area, or Army Community Service (ACS) to discover 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.

GET A WRITTEN ESTIMATE BEFORE REPAIRS ARE BEGUN

You should ask the repair shop to give you a written estimate before any work is completed on your vehicle. When dropping off your vehicle, inform the mechanic that if your vehicle requires any additional parts or labor over the estimate, they must call you with the new information before completing the repairs. Your final bill should be reasonably close to the estimated price. Sometimes, repair shops will offer a "window" of estimated repair costs (For example, you could pre-authorize them to automatically complete additional repairs as long as the new price is less than \$50 higher than the original quote).

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 for the repairs. Do not forcefully take your vehicle. This could be considered theft or theft of services.

IF YOU HAVE PROBLEMS

If you have been overcharged, you may contact ACS, the Legal Assistance Office or the Attorney General's Consumer Protection office nearest you. While a private attorney can potentially get your car back without paying the unreasonable charge, the court proceedings necessary can be quite 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 Assistance Office to find out what protections you have in the state where your installation is located. Here are a few tips to remember:

1. Get everything in writing, and keep every piece of paper.
2. Ask the mechanic for your old parts back. [Some parts such as alternator





and brake shoes, are returned to the parts supplier for a refund (core charge), so you may not be able to get them].

3. Tell the shop manager clearly and calmly that you are dissatisfied. Write down their response.

WHAT TO DO

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 statutes specifically governing auto repairs. However, most states have an Unfair and Deceptive Acts and Practices Law (UDAP Law). Under such laws, it is illegal to:

1. Knowingly making a false or misleading statement of fact about the need for parts, replacement or repair service.
2. Representing that work has been done, or parts replaced, when not true.
3. Representing that goods are original or new, when in fact they are secondhand or refurbished.



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