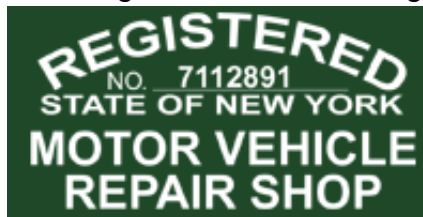




Filing a Complaint with the DMV Against an Automobile Repair Shop

The New York State DMV has published [an article](#) discussing consumer rights when dealing with automobile repair shops. The article discusses rights provided by the [New York State Repair Shop Act](#). It begins with a few tips on selecting a reputable repair shop.

- Deal only with a registered shop. Make sure there's a green and white "Registered State



of New York Motor Vehicle Repair Shop" sign outside the shop and a valid New York State Department of Motor Vehicles (DMV) registration certificate inside.

- Ask your family, friends and co-workers for advice on reliable repair shops in your area, as well as those you should avoid.
- Keep all records, including estimates, invoices, work orders, receipts, guarantees and warranties. Besides their importance in case you file a repair complaint, these papers serve as your record of service, and could increase your vehicle's resale value.
- If you authorize repair work by phone, write down the date and time, the name of the person you spoke with, any estimated price quoted, and other pertinent details.
- Don't be afraid to ask questions. Management of a shop should take the time to explain required repairs and prices, discuss problems, and tell you about the training and experience of employees.

The article then provides an overview of rights provided by the Act.

The "Consumer's Bill Of Rights"

Under the Repair Shop Act, you have the following rights when dealing with a repair shop:

Written Estimate

If you request it, the repair shop must give you a written estimate of the parts and labor necessary for each specific repair. The shop may charge a reasonable fee for developing a written estimate, but the labor charge for an estimate may not exceed the shop's usual hourly labor charge.

The estimate must list each part and its cost, and show what parts, if any, are either used or not of original quality. It must show the labor charges for each repair and by what method they are calculated. The shop may not charge more than the estimated price without your permission.



Authorizing Work

A shop may not perform any services unless you give your permission. If the shop prepares a written work order, it must give you a copy. If you prepare a written work order, the shop must attach it to the invoice. If work is authorized verbally or by telephone, the invoice must show the date, time, and name of the person giving authorization.

Parts

You are entitled to the return of all replaced parts, except warranty and exchange parts, but you must ask for them in writing before any work is done. If you authorize work by phone, the shop must keep any replaced parts, and make them available when you pick up the vehicle.

Invoice

When repairs are completed, the shop must give you a detailed invoice listing each repair done, each part replaced, the cost for each, and the cost of labor. The invoice must show which replacement parts, if any, are used, or not of original quality. It must show the odometer reading at the time you left the vehicle for repair and when the invoice was prepared. If the shop promised a delivery date, that must be listed on the repair order. If you received a written estimate, compare it with the invoice and try to resolve any questions before you pay for the repairs.

Inspection After Repair

You have the right to inspect your vehicle at the shop before paying for repairs. However, this does not give you the right to remove the vehicle from the shop without paying for the repairs, or to inspect it in areas where only authorized employees are allowed.

Guarantees

A shop is not required to guarantee its work, but if a shop voluntarily guarantees repairs, the terms and time limit of the guarantee must be listed on the invoice.

If you are not satisfied with the quality or price of a repair, discuss it with the management of the shop. Many misunderstandings can be resolved through a calm, honest discussion.

Finally, the article discusses what consumers can do when they feel that an automobile repair shop has violated their rights.

If You Have a Repair Problem

If you are not satisfied after talking to the management, contact the DMV Vehicle Safety Consumer Services Section. You may call 1-518-474-8943 between 9 a.m. and 3 p.m. weekdays, except state holidays. You may also write to:



Consumer Services

Box 2700-ESP

Albany, NY 12220-0700

You may file a complaint with the DMV, even if you have also contacted another consumer protection agency. The Complaint Report form ([form VS-35](#)) for a complaint against a repair shop, auto dealer or inspection station is available by calling DMV or by download from this site.

If you call the DMV, have all paperwork and information concerning the repairs in front of you. If you file a complaint by mail, send photocopies of these documents, not originals.

Complaints must be made to DMV within 90 days or 3,000 miles after the repair, whichever comes first, and the DMV cannot resolve disputes over the terms of warranties or guarantees.

What Happens to Your Complaint

A DMV customer service representative will try to resolve the problem by discussing it with you and the shop. About half the complaints received by DMV are resolved through mediation.

If the repair problem isn't resolved, your complaint will often be referred to a DMV regional office for investigation. A DMV inspector may contact you to ask questions or discuss your case in detail. These inspectors are experienced automotive technicians trained to investigate and resolve complaints.

If the DMV investigation indicates the shop violated the Repair Shop Act or regulations, DMV will either send a warning letter to the shop or schedule a hearing. If a hearing determines there were violations, DMV will take action against the shop. This may include suspending or revoking the shop's registration and/or imposing fines.

If you suffer a financial loss due to overcharging or unnecessary or poor quality repairs, the administrative law judge presiding at the hearing may offer the shop the option of paying restitution. The shop may then receive a shorter suspension period and/or a lower fine.

DMV cannot force a shop to pay restitution. Restitution is limited to the amount you were overcharged or the cost of proper repairs. Other expenses, such as the cost of renting a replacement car, cannot be included. Filing a complaint with DMV does not prevent you from seeking help from other consumer protection agencies or from taking the shop to court. However, if you receive a court settlement or one is pending, restitution through DMV is not available.