

By Mr. Keenan of Southwick, petition of Daniel F. Keenan relative to insurance companies, policyholders and the repairing of damaged motor vehicles. Insurance.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT MODERNIZING THE PROCESS OF REPAIRING DAMAGED MOTOR VEHICLES AND PROTECTING THE FREE SPEECH RIGHTS OF INSURANCE POLICYHOLDERS AND INSURANCE COMPANIES IN CONNECTION WITH THE REPAIR OF DAMAGED MOTOR VEHICLES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 8G of chapter 26 of the General Laws is
2 hereby amended by adding at the end of the sixteenth paragraph
3 the following new sentence:—
4 Notwithstanding the provision of any law or regulation to the
5 contrary, an insurer shall not be required to assign an appraiser or
6 to obtain an appraisal if the amount of the loss, less any applicable
7 deductible is less than \$2,500.

1 SECTION 2. Section 8G of chapter 26 of the General Laws is
2 hereby further amended by striking out the eighteenth paragraph
3 and inserting in place thereof the following new paragraph:—
4 Notwithstanding the provision of any law or regulation to the
5 contrary, an insurer may provide to any person making a claim for
6 damage to a motor vehicle, upon request of such person, a list of
7 recommended repair shops the work of which is guaranteed by
8 such insurer. The appraiser, insurer and repair shop shall disclose
9 to each person making a claim for damage to a motor vehicle at
10 the time an estimate is delivered that the claimant has the right to
11 have such motor vehicle repaired at the repair shop of his or her
12 choice, and no insurer or repair shop shall coerce or intimidate
13 any claimant into having such repairs performed at a specified
14 shop

1 SECTION 3. Section 8G of chapter 26 of the General Laws is
2 hereby further amended by striking out the nineteenth paragraph
3 and inserting in place thereof the following:—

4 When a supplementary allowance is requested by a repair shop,
5 the insurer shall either assign an appraiser who shall personally
6 inspect the damaged motor vehicle within three working days of
7 the receipt of a request or shall agree with the repair shop to pay
8 in accordance with the supplementary appraisal submitted by the
9 repair shop.

1 SECTION 4. Section 8G of chapter 26 of the General Laws is
2 hereby further amended by adding the following new para-
3 graph:—

4 Notwithstanding the provision of any law or regulation to the
5 contrary, it shall not be a conflict of interest for an appraiser to
6 have a damaged motor vehicle repaired at a repair shop which the
7 appraiser owns or in which he has an interest, if such ownership
8 or interest has been disclosed to the insurer and the insurer has no
9 objection. It shall also not be a conflict of interest for an appraiser
10 to operate a driven appraisal service for an insurer at a repair
11 shop.