HOUSE DOCKET, NO. 2352 FILED ON: 1/15/2015

HOUSE . . . . . No. 857

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to protecting consumers by providing notice.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sean Garballey	*23rd Middlesex*

HOUSE DOCKET, NO. 2352 FILED ON: 1/15/2015

HOUSE . . . . . No. 857

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 857) of Sean Garballey relative to written estimates of the cost of certain motor vehicle body repairs. Financial Services.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to protecting consumers by providing notice.

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

SECTION 1. Section 34R of Chapter 90 of the general laws, as appearing in the 2014 Official Edition, is hereby amended by striking subsection (b) and replacing it in its entirety with the following new subsection:-

"(b) Attached to any such estimate which identifies non-original manufacturer parts shall be the following notice and acknowledgment, printed in no less than twelve-point type:

NOTICE

The repair estimate is based in part on the use of replacement parts which are not made by the original manufacturer of the damaged parts in your vehicle. Warranties, if any, applicable to these replacement parts are provided by their manufacturer or supplier rather than the manufacturer of your vehicle. The use of parts not made by the original manufacturer may void existing warranties.

12 You have the right to have your vehicle repaired at any repair shop. Your insurer or
13 appraiser shall not require that the repairs to your motor vehicle be made at any specific repair
14 shop."

15 SECTION 2. Section 113T of Chapter 175 of the general laws, as appearing in the 2014
16 Official Edition, is hereby amended, by inserting the following paragraph at the end thereof:-

17 "Notwithstanding any general or special law to the contrary, any insurer, employee or
18 agent thereof, who provides participating repair shop programs or endorsements shall, at the time
19 an insured contacts the insurer to report an incident requiring the repair of the insured's motor
20 vehicle, read aloud, or if contacted electronically, provide a written notice, the following
21 disclosure to the insured at the outset of the initial interaction:

22 "Under Massachusetts law, you have the right to choose a registered repair shop of your
23 choice. All registered repair shops must guarantee their repairs."