

HOUSE No. 1005

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to protecting a consumer's right to choice in collision automobile repairs..

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 said chapter 26, as so appearing, is hereby amended by
2 striking out the eighteenth paragraph and inserting in place thereof the following paragraph:—

3 No appraiser or employees of an independent appraisal company, insurance company or
4 any of its employees or representatives shall require, suggest, request, or recommend that any
5 appraisals or repairs should or should not be made in a specified registered repair facility or
6 facilities authorized under section 34O of chapter 90 or otherwise, nor shall an appraiser or
7 employees of an independent appraisal company, insurance company or any of its employees or
8 representatives use coercion or intimidation to cause appraisals or repairs to be made or not
9 made, in any specified repair facility or facilities. The commissioner of the division of insurance
10 shall promulgate rules and regulations for the administration and enforcement of this section. An
11 insurance company, third party biller, agent or adjuster for such insurance company violating this
12 section shall be punishable by a fine of not less than \$300.00 nor more than \$500.00 for each
13 incident. The fine shall be collected by the Division of Insurance and deposited in a retained
14 revenue account to be used by the division to carry out the enforcement of this act. Furthermore,

15 the division of insurance shall create and make available forms for reporting such violation of
16 this section.

17 SECTION 2: The 18th paragraph of said section 34O of said chapter 90, as so appearing,
18 is hereby amended by striking out clause (c) and inserting in place thereof the following
19 clause:—

20 (c) No appraiser or employees of an independent appraisal company, insurance company
21 or any of its employees or representatives, shall require, suggest, request, or recommend that any
22 appraisals or repairs should or should not be made in a specified registered repair facility or
23 facilities authorized under section 34O of chapter 90 or otherwise, nor shall an appraiser or
24 employees of an independent appraisal company, insurance company or any of its employees or
25 representatives use coercion or intimidation to cause appraisals or repairs to be made or not
26 made, in any specified repair facility or facilities. The commissioner of the division of insurance
27 shall promulgate rules and regulations for the administration and enforcement of this section. An
28 insurance company, third party biller, agent or adjuster for such insurance company violating this
29 section shall be punishable by a fine of not less than \$300.00 nor more than \$500.00 for each
30 incident. The fine shall be collected by the Division of Insurance and deposited in a retained
31 revenue account to be used by the division to carry out the enforcement of this act. Furthermore,
32 the division of insurance shall create and make available forms for reporting such violation of
33 this section.