

HOUSE No. 1005

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Finn

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 the licensure of automobile damage appraisers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael J. Finn</i>	<i>6th Hampden</i>	<i>1/20/2023</i>

HOUSE No. 1005

By Representative Finn of West Springfield, a petition (accompanied by bill, House, No. 1005) of Michael J. Finn relative to the licensure of motor vehicle damage appraisers. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to the licensure of automobile damage appraisers.

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: Chapter 26 of the General Laws, as appearing in the 2016 Official Edition,
2 is hereby amended by striking section 8G in its entirety and inserting in place thereof the
3 following section:-

4 (a) Any person desiring to act within this state as a motor vehicle physical damage
5 appraiser shall make a written application to the commissioner of insurance for a license and pay
6 a fee of one hundred dollars.

7 Applications for registration as licensed motor vehicle damage appraisers signed and
8 sworn to by the applicants, shall be made upon forms furnished by the commissioner. Each
9 applicant who shall furnish the commissioner with satisfactory proof that they are eighteen years
10 of age or over and of good moral character, that they possess the educational qualifications
11 required for graduation from high school or that they possess relevant work experience deemed
12 satisfactory by the commissioner, shall, upon payment of one hundred dollars, be examined by a

13 written test, and if found qualified by the commissioner, be registered as a licensed appraiser of
14 motor vehicle physical damage and entitled to a numbered certificate in testimony thereof,
15 signed by the commissioner. The commissioner may, at the commissioner's discretion, designate
16 an independent testing service to prepare and administer such examination, provided any
17 examination fees charged by such service shall be paid by the applicant. An applicant failing to
18 pass an examination satisfactory to the commissioner shall be allowed to review the examination.

19 Each licensed appraiser shall be issued a numbered license by the commissioner. All auto
20 damage reports prepared shall include the license number. No licensed appraiser shall include the
21 appraiser's license number on any motor vehicle damage reports unless the license is in full force
22 and unless the appraiser is the sole author of such motor vehicle damage reports.

23 No appraiser shall complete an auto damage report unless duly licensed. Auto damage
24 reports require an itemization of parts, labor and services necessary for repairs thereof, and shall
25 be sworn to under the penalties of perjury and shall also include the appraiser's signature, license
26 number, fee charged and date the motor vehicle was examined.

27 No person licensed under this section shall refuse to prepare and deliver a motor vehicle
28 damage report.

29 On or about March first of the renewal year, the commissioner shall mail to each licensed
30 appraiser an application for renewal. Such application shall be completed and returned to the
31 commissioner on or before the following first day of June. Each such application shall be
32 accompanied by a renewal fee of one hundred dollars. After verification of the facts stated on the
33 renewal application the commissioner shall issue a certificate of bi-annual registration dated July
34 first, and which shall expire on June thirtieth of the second year following. Any holder of a

35 certificate of registration who fails to renew the application within sixty days after notification by
36 the commissioner that the license has expired, shall before again engaging in the practice of a
37 licensed appraiser within the commonwealth, be required to re-register, pay a fee of fifty dollars,
38 and may be required by the commissioner to be reexamined.

39 A new license to replace such license lost, destroyed or mutilated, shall be issued by the
40 commissioner upon payment of a fee of twenty dollars, and such license shall be stamped or
41 marked "duplicate".

42 A roster showing the names and last known places of business of all licensed appraisers
43 shall be prepared by the commissioner during the month of November of each year. Copies of
44 such roster shall be placed on file with the state secretary and furnished to the public on request.

45 The appraiser shall provide a legible copy of the appraisal with the repair shop selected to
46 make the repairs, which appraisal shall contain the name of the insurance company ordering it, if
47 any, the insurance file or claim number, the number of the appraiser's license and the proper
48 identification number of the vehicle. All unrelated or old damage should be clearly indicated on
49 the appraisal.

50 If the appraiser for the insurer and the repair shop fail to agree on a price for repairs, the
51 insurer shall furnish to the insured or claimant a written statement containing the following
52 disclosure:

53 "Under Massachusetts law, you are always entitled to use the repair shop or facility of
54 your choice. Unfortunately, we have been unable to agree on price with the facility you have
55 chosen. In this situation, our payment for repair cost may be limited to the price available from a
56 recognized and conveniently located repair shop or facility registered by the Division of

57 Standards, that is willing and able to repair the damaged motor vehicle within a reasonable time.
58 You may be responsible for the difference between our payment and the price charged to you by
59 the facility you have chosen. Upon your request, we will furnish the name of a repair shop
60 reasonably convenient to you that is able to repair your vehicle for the price in your appraisal.”

61 No appraiser or insurer shall request or suggest that repairs be made in a specified repair
62 shop, unless requested by the insured or claimant.

63 Every appraiser shall reinspect damaged motor vehicles when supplementary allowances
64 are requested by repair shops within five days of a request. When the repair shop and insurance
65 company or employee agree, supplementary allowances requests may be conducted virtually or
66 through the use of photographs, videos, telephone calls, or other electronic measures agreed upon
67 by both parties.

68 No insurance company or employee, agent or insurance agency or representative thereof
69 shall coerce or use any tactics the purpose of which is to prevent insureds or claimants from
70 seeking damage reports on repairs from their own repair shop rather than utilizing a company
71 appraisal facility.

72 No person licensed under this section shall have any interest in any damage report
73 prejudicial to or in conflict with the professional interest therein.

74 The commissioner, after due notice and hearing, shall revoke any license issued by it and
75 cancel the registration of any person who pleads guilty to or is convicted of a fraudulent
76 automobile damage report as a result of a court judgment and said license shall not be reinstated
77 or renewed nor shall said person be relicensed or employed by a license holder. The
78 commissioner, after due notice and hearing, shall cancel for a period not exceeding one year, any

79 license issued by it to, and cancel the registration of, any person who has been shown at such
80 hearing to have been guilty of fraud, deceit, gross negligence, or willful misconduct or conflict of
81 interest in the preparation or completion of any motor vehicle damage report. Any such person
82 shall, before again engaging in the practice of licensed appraiser within the commonwealth, be
83 required to re-register and pay a fee of fifty dollars and be re-examined by the board.

84 Whenever a licensed appraiser, whether employed by a registered motor vehicle repair
85 shop, employed by a licensed insurer or acting as an independent appraiser, determines that a
86 motor vehicle is damaged such that (a) it may no longer meet the safety standards established by
87 the registrar of motor vehicles under section seven A of chapter ninety; or (b), it may no longer
88 comply with the motor vehicle emission standards established by the commissioner of the
89 department of environmental protection under section 142M of chapter one hundred and eleven,
90 then the appraiser shall provide notice, in a format and containing such information as shall be
91 prescribed by the registrar of motor vehicles, to the owner of the motor vehicle that the vehicle
92 no longer meets such safety or emissions standards. The notice shall direct the owner of the
93 motor vehicle to have the vehicle repaired so that it may pass the safety and emissions standards
94 and to obtain a new certificate of inspection. The registrar of motor vehicles shall periodically,
95 but not less frequently than annually issue specific guidelines on the safety or emissions items
96 that require the prescribed notice to and shall publish such guidelines in the Massachusetts
97 Register. The registrar of motor vehicles shall establish rules and regulations promulgated
98 pursuant to chapter 30A for the implementation and enforcement of this paragraph.

99 The commissioner may issue temporary auto damage appraiser licenses to individuals
100 that hold an equivalent license in another state or have worked as an auto damage appraiser in a

101 state that does not require an equivalent license for a period of 90 days after submission of an
102 application and fee of fifty dollars.