

HOUSE No. 1005

The Commonwealth of Massachusetts

PRESENTED BY:

Robert J. Nyman

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 passage of the accompanying bill:

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

PETITION OF:

NAME:

Robert J. Nyman

DISTRICT/ADDRESS:

5th Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE HOUSE, NO. 1046 OF 2007-2008.]

The Commonwealth of Massachusetts

—————
In the Year Two Thousand and 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 striking out the
2 eighteenth paragraph and inserting in place thereof the following paragraph:—

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

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

18 (c) No appraiser or employees of an independent appraisal company, insurance company or any of its
19 employees or representatives, shall require, suggest, request, or recommend that any appraisals or repairs
20 should or should not be made in a specified registered repair facility or facilities authorized under section
21 34O of chapter 90 or otherwise, nor shall an appraiser or employees of an independent appraisal
22 company, insurance company or any of its employees or representatives use coercion or intimidation to

23 cause appraisals or repairs to be made or not made, in any specified repair facility or facilities. The
24 commissioner of the division of insurance shall promulgate rules and regulations for the administration
25 and enforcement of this section. An insurance company, third party biller, agent or adjuster for such
26 insurance company violating this section shall be punishable by a fine of not less than \$300.00 nor more
27 than \$500.00 for each incident. The fine shall be collected by the Division of Insurance and deposited in
28 a retained revenue account to be used by the division to carry out the enforcement of this
29 act. Furthermore, the division of insurance shall create and make available forms for reporting such
30 violation of this section.