

2012 -- S 2667

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - AUTOMOBILE BODY REPAIR  
SHOPS

Introduced By: Senator Maryellen Goodwin

Date Introduced: March 01, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-38-28 of the General Laws in Chapter 5-38 entitled "Automobile  
2 Body Repair Shops" is hereby amended to read as follows:

3 ~~5-38-28. Repair certification form.~~ Repair certification. --The ~~director of the~~  
4 ~~department of business regulation is authorized to create a work completion certification form~~  
5 ~~which is~~ automobile body repair shop shall include in the documentation of each repair, a repair  
6 bill executed by ~~an insured and~~ the automobile body repairer repair shop and ~~which shall certify~~  
7 certifying under the penalties of perjury, the repairs to a particular vehicle that have actually been  
8 made.

9 SECTION 2. Section 27-10.1-9 of the General Laws in Chapter 27-10.1 entitled "Motor  
10 Vehicle Damage Appraisers" is hereby amended to read as follows:

11 27-10.1-9. Re-inspection of collision damage. -- (a) The director of the department of  
12 business regulation is authorized and empowered to promulgate rules and regulations which  
13 ~~require~~ allow re-inspection of ten percent (10%) of all automobile insurance carrier claims after  
14 collision damage is repaired. The required percentage shall be reviewed by the department of  
15 business regulation on an annual basis.

16 (b) All automobile repair facilities shall, upon reasonable request by the insurer or  
17 consumer, present proof of authenticity through invoices and/or receipts for all new and used  
18 collision repair parts excluding price of the part or parts ~~to correlate with the work completed~~

1 ~~form~~. Insurance carriers shall obtain from auto body repair facilities proof of purchase of the new  
2 or used collision repair parts, either by authenticated invoices and/or receipts excluding price.

3 (c) Each insurance carrier or its agents assigned to or conducting a re-inspection shall be  
4 a licensed motor vehicle physical damage appraiser, and shall conduct the inspection in a  
5 professional manner consistent with training required to obtain DBR certification or licensing. If  
6 body shop testing equipment is required, a fee to be set by the director of the department of  
7 business regulation will be paid by the insurance carrier to the body shop.

8 SECTION 3. Chapter 27-10.1 of the General Laws entitled "Motor Vehicle Damage  
9 Appraisers" is hereby amended by adding thereto the following section:

10 **27-10.1-1.1. Emergency licenses. -- (a) Notwithstanding any of the provisions of this**  
11 **chapter, the commissioner may permit an experienced motor vehicle appraiser to act as a motor**  
12 **vehicle physical damage appraiser in this state without a Rhode Island license if:**

13 **(1) The appraiser is either a licensed appraiser in another state which requires a license or**  
14 **regularly appraises motor vehicle damage in another state where such licensing is not required**  
15 **and works for an insurance company authorized to do business in Rhode Island; and**

16 **(2) He or she is engaged in emergency insurance appraisal work during the period of**  
17 **emergency only, as determined by the commissioner.**

18 **(b) The experienced appraiser may work in this state either for an employer who is an**  
19 **appraiser licensed by this state, or for a regular employer of one or more appraisers licensed by**  
20 **this state, or for an insurance company authorized to do business in this state; provided, that the**  
21 **employer or insurer shall furnish to the commissioner a notice, in writing or electronically,**  
22 **promptly after the beginning of any emergency insurance appraisal work. The appraiser may**  
23 **appraise claims within or outside the state. Emergency licenses permitted under this section shall**  
24 **not exceed one hundred twenty (120) days, unless extended by the commissioner.**

25 **(c) As used in this section, "emergency insurance appraisal work" means and includes,**  
26 **but is not limited to, appraisal of motor vehicle damage during the term of an emergency license**  
27 **following an event or catastrophe, as determined by the commissioner, based on consumer need**  
28 **or demand, or a state of disaster declared by the governor of the state of Rhode Island or by the**  
29 **president of the United States under applicable federal law.**

30 SECTION 4. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL

OF

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1           This act would eliminate the requirement of the “work completed form” with respect to  
2 automobile repairs and replace it with requirements of documentation of repairs by the  
3 automobile body repair shop. This act would also permit out-of-state experienced motor vehicle  
4 damage appraisers to work in Rhode Island on a temporary basis during emergencies.

5           This act would take effect upon passage.

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