HOUSE DOCKET, NO. FILED ON: 1/12/2009

**HOUSE . . . . . . . . . . . . . . No.**

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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: | District/Address: |
| Robert J. Nyman | 5th Plymouth |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1046 OF 2007-2008.]

The Commonwealth of Massachusetts

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**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:*

 SECTION 1:  Section 8G of said chapter 26, as so appearing, is hereby amended by striking out the eighteenth paragraph and inserting in place thereof the following paragraph:—

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

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

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