

**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**

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**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:—

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

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19 SECTION 2: The 18th paragraph of said section 340 of said chapter 90, as so appearing, is hereby  
20 amended by striking out clause (c) and inserting in place thereof the following clause:—

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22 (c) No appraiser or employees of an independent appraisal company, insurance company or any of its  
23 employees or representatives, shall require, suggest, request, or recommend that any appraisals or  
24 repairs should or should not be made in a specified registered repair facility or facilities authorized  
25 under section 340 of chapter 90 or otherwise, nor shall an appraiser or employees of an independent  
26 appraisal company, insurance company or any of its employees or representatives use coercion or  
27 intimidation to cause appraisals or repairs to be made or not made, in any specified repair facility or  
28 facilities. The commissioner of the division of insurance shall promulgate rules and regulations for the  
29 administration and enforcement of this section. An insurance company, third party biller, agent or  
30 adjuster for such insurance company violating this section shall be punishable by a fine of not less than  
31 \$300.00 nor more than \$500.00 for each incident. The fine shall be collected by the Division of  
32 Insurance and deposited in a retained revenue account to be used by the division to carry out the  
33 enforcement of this act. Furthermore, the division of insurance shall create and make available forms  
34 for reporting such violation of this section.

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