IC 27-4-1.5

Chapter 1.5. Auto Repair Claims Settlement

IC 27-4-1.5-1

"Body part" defined

Sec. 1. (a) As used in this chapter, "body part" means a replacement for any of the nonmechanical sheet metal or plastic parts that generally constitute the exterior of a motor vehicle.

(b) The term includes the inner and outer panels of the body of a motor vehicle.

As added by P.L.194-1991, SEC.2.

IC 27-4-1.5-2

"Body shop" defined

Sec. 2. As used in this chapter, "body shop" means a business that repairs damage to the exterior of motor vehicles.

As added by P.L.194-1991, SEC.2.

IC 27-4-1.5-3

"Insured" defined

Sec. 3. As used in this chapter, "insured" means a person who is entitled to the coverage provided by an insurance policy.

As added by P.L.194-1991, SEC.2.

IC 27-4-1.5-4

"Insurer" defined

Sec. 4. As used in this chapter, "insurer" has the meaning set forth in IC 27-1-2-3.

As added by P.L.194-1991, SEC.2.

IC 27-4-1.5-5

"Motor vehicle" defined

Sec. 5. As used in this chapter, "motor vehicle" has the meaning set forth in IC 9-13-2-105.

As added by P.L.194-1991, SEC.2. Amended by P.L.1-1992, SEC.150.

IC 27-4-1.5-6

"New body part" defined

Sec. 6. As used in this chapter, "new body part" means a body part that has not previously been attached to a motor vehicle.

As added by P.L.194-1991, SEC.2.

IC 27-4-1.5-7

"Used body part" defined

Sec. 7. As used in this chapter, "used body part" means a body part that has previously been attached to a motor vehicle.

As added by P.L.194-1991, SEC.2.

IC 27-4-1.5-8

Insurer notice to insured; body parts to be used in repair

Sec. 8. (a) An insurer that is obligated to pay at least part of the cost of repairing the exterior of a motor vehicle under an insurance policy issued by the insurer may not direct a body shop to repair the motor vehicle until the insurer has presented the insured with a written notice that meets the requirements set forth in subsections (b) and (c).

(b) An insurer described in subsection (a) shall present the insured with a written notice that does the following:

(1) Informs the insured that the insured has a right to approve the type of body parts to be used in the repair of the motor vehicle.

(2) Gives the insured an opportunity, in approving the type of body parts to be used in the repair of the motor vehicle, to select from among the following:

(A) New body parts manufactured by or for the manufacturer of the motor vehicle.

(B) New body parts that were not manufactured by or for the manufacturer of the motor vehicle.

(C) Used body parts.

(c) An insurer described in subsection (a) shall give the insured an opportunity to indicate in writing the type of body part that the insured approves for use in the repair of the motor vehicle.

(d) This section applies only in the five (5) years after the model year of the motor vehicle.

As added by P.L.194-1991, SEC.2.

IC 27-4-1.5-9

Failure to give insured notice; unfair claim settlement practice

Sec. 9. An insurer that:

(1) is required to give a written notice to an insured under section 8 of this chapter concerning the repair of a motor vehicle;

(2) does not give the insured a written notice that meets the requirements set forth in section 8(b) of this chapter; and

(3) directs a body shop to repair the motor vehicle;

commits an unfair claim settlement practice under IC 27-4-1-4.5.

As added by P.L.194-1991, SEC.2.

IC 27-4-1.5-10

Failure to permit selection of body parts by insured; unfair claim settlement practice

Sec. 10. An insurer that:

(1) is subject to the requirement set forth in section 8(c) of this chapter with respect to the repair of a motor vehicle;

(2) does not satisfy this requirement; and

(3) directs a body shop to repair the motor vehicle;

commits an unfair claims settlement practice under IC 27-4-1-4.5.

As added by P.L.194-1991, SEC.2.

IC 27-4-1.5-11

Direction by insurer to use different body parts from those directed by insured; unfair claims settlement practice

Sec. 11. An insurer that:

(1) under section 8(c) of this chapter gives an insured an opportunity to indicate in writing the type of body part that the insured approves for use in the repair of the motor vehicle; and

(2) directs a body shop to repair the motor vehicle using a type of body part different from the type of body part that the insured approved for use in the repair of the motor vehicle;

commits an unfair claim settlement practice under IC 27-4-1-4.5.

As added by P.L.194-1991, SEC.2.

IC 27-4-1.5-12

Refusal to direct use of or pay for body parts directed by insured; unfair claim settlement practice

Sec. 12. An insurer that:

(1) under section 8(c) of this chapter gives an insured an opportunity to indicate in writing the type of body parts that the insured approves for use in the repair of a motor vehicle; and

(2) refuses to:

(A) pay for; or

(B) direct a body shop to use;

the type of body parts approved by the insured under section 8(c) of this chapter in the repair of the motor vehicle;

commits an unfair claims settlement practice under IC 27-4-1-4.5.

As added by P.L.194-1991, SEC.2.

IC 27-4-1.5-13

Insurer duties performed by agent or body shop

Sec. 13. An act that an insurer is required to perform under this chapter shall be considered to have been performed by the insurer if the act is performed by:

(1) an agent of the insurer; or

(2) a body shop that the insurer directs to repair a motor vehicle.

As added by P.L.194-1991, SEC.2.