**MASSACHUSETTS REGULATION RE: STEERING**

211 CMR 123.00: DIRECT PAYMENT OF MOTOR VEHICLE COLLISION AND COMPREHENSIVE COVERAGE CLAIMS AND REFERRAL REPAIR SHOP PROGRAMS

123.06: Referral Repair Shop Programs

(1) Consumer's Choice of Shop: No direct payment plan approved under 211 CMR 123.000, and no insurer in implementing such plan, shall require a claimant to have repairs made at any specific repair shop.

TITLE 212: AUTO DAMAGE APPRAISERS LICENSING BOARD
CHAPTER 2.00: THE APPRAISAL AND REPAIR OF DAMAGED MOTOR VEHICLES

212 CMR 2.04

2.04: Procedures for the Conduct of Appraisals and Intensified Appraisals

(1) Conduct of Appraisals.

(c) Contact with Claimant and Selection of Repair Shop. No staff or independent appraiser, insurer, representative of insurer, or employer of an independent appraiser shall refer the claimant to or away from any specific repair shop or require that repairs be made by a specific repair shop or individual. The provisions of 212 CMR 2.04(c) shall not apply to any approved direct payment plan pursuant to 211 CMR 123.00.

The Commonwealth of Massachusetts

PETITION OF:

HOUSE . . . . . **No. 1045**

Robert J. Nyman
Barbara A. L'Italien
Bruce E. Tarr
Kathi-Anne Reinstein
Donald F. Humason, Jr.

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO UNFAIR CLAIM SETTLEMENT PRACTICES IN A CONSUMER'S RIGHT OF 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:*

Chapter 176D of the General Laws, as appearing in the 2002 Official Edition, is hereby amended in Section 3, by adding a new paragraph (o) to subsection (9) as follows: (o) suggesting, requesting or directing, in writing or verbally, directly or indirectly that any claimant or insured have repairs made in, or not in, any specific repair shop, or list of shops as authorized under M.G.L., Chapter 90, Section 34O

The Commonwealth of Massachusetts

PETITION OF:

# HOUSE . . . . . 1046

Robert J. Nyman
Barbara A. L'Italien
Kathi-Anne Reinstein
Donald F. Humason, Jr.

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO PROTECTING A CONSUMER'S RIGHT TO CHOICE IN COLLISION AUTOMOBILE REPAIRS.

SECTION 1. Chapter 26 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended in Section 8G, by striking the words “No appraiser or insurer shall request or suggest that repairs be made in a specific repair shop,” and replacing it with the following: No appraiser or employees of an independent appraisal company, insurance company or any of its employees, agents or representatives, or insurance agents licensed under M.G.L. Chapter 175 Section 163A or employees of insurance agents shall suggest, request or direct, in writing or verbally, that any claimant have repairs made in, or not in, any specific repair shop, or list of shops as authorized under M.G.L., Chapter 90, Section 34O. Any violation of this provision shall result in minimum fine of $5,000 for the insurance company or agency and $500 for any appraiser or representative of an insurer.

SECTION 2. Chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended in Section 34O, by striking the words “that no insurer or appraiser shall require that repairs to any motor vehicle be made at any specific repair shop, or list of shops; and,” and replace with the following: No appraiser or employees of an independent appraisal company, insurance company or any of its employees, agents or representatives, or insurance agents licensed under M.G.L. Chapter 175 Section 163A or employees of insurance agents shall suggest, request or direct, in writing or verbally, that any claimant have repairs made in, or not in, any specific repair shop, or list of shops as authorized under this section. Any violation of this provision shall result in minimum fine of $5,000 for the insurance company or agency and $500 for any appraiser or representative of an insurer.