

MAINE STATE LEGISLATURE

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L.D. 567

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MINORITY
BANKING AND INSURANCE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 425, L.D. 567, Bill, "An Act to Improve Insurance Company Practices Pertaining to Collision Appraisals"

Amend the bill in section 1 in that part designated "~~§2164-E.~~" in subsection 2 in the 3rd line (page 1, line 20 in L.D.) by inserting after the following: "owner" the following: 'or shall send a copy of the appraisal by facsimile to the repair shop within a reasonable time after inspection of the motor vehicle'

Further amend the bill in section 1 in that part designated "~~§2164-E.~~" in subsection 3 by striking out all of the last sentence (page 1, lines 30 to 32 in L.D.) and inserting in its place the following: 'Competitive estimates may be obtained on the basis of photographs.'

Further amend the bill in section 1 in that part designated "~~§2164-E.~~" in subsection 4 in the 3rd line (page 1, line 36 in L.D.) by inserting after the following: "shops" the following: 'unless the appraiser is employed by or under contract with that repair shop'

Further amend the bill in section 1 in that part designated "~~§2164-E.~~" in subsection 5 in the 3rd line (page 1, line 42 in L.D.) by inserting after the following: "vehicle" the following: 'unless the supplementary allowance is agreed to by the appraiser'

Further amend the bill in section 1 in that part designated "~~§2164-E.~~" by striking out all of subsection 7 and inserting in its place the following:

COMMITTEE AMENDMENT

H. & S.

2 '7. Liability for damages. A person suffering harm as a
3 result of an appraiser's violation of any of the requirements of
4 this section may recover actual damages in a civil action. An
5 action for a violation under this section may not be brought more
6 than 2 years after the date of the occurrence of the violation.'

7 Further amend the bill by inserting at the end before the
8 summary the following:

10 **FISCAL NOTE**

11 The Bureau of Insurance within the Department of
12 Professional and Financial Regulation will incur some minor
13 additional costs to clarify the responsibilities of appraisers
14 and adjusters. These costs can be absorbed within the bureau's
15 existing budgeted resources.

16 This bill may increase the number of civil suits filed in
17 the court system. The additional workload and administrative
18 costs associated with the minimal number of new cases filed can
19 be absorbed within the budgeted resources of the Judicial
20 Department. The collection of additional filing fees may also
21 increase General Fund revenue by minor amounts.'

22 **SUMMARY**

23 This amendment is the minority report of the committee. The
24 amendment does the following.

25 1. It allows appraisers to send a copy of the appraisal by
26 facsimile to the repair shop within a reasonable time after the
27 appraisal.

28 2. It allows competitive estimates from other repair shops
29 to be obtained on the basis of photographs.

30 3. It allows appraisers to request that appraisals or
31 repairs be performed at a specific repair shop or shops if the
32 appraiser is employed by or under contract with that repair shop.

33 4. It eliminates the requirements that a vehicle be
34 reinspected if the supplementary allowance is agreed to by the
35 appraiser.

36 5. It limits recovery in a civil action to actual damages.

37 6. It removes the provision stating that violations of the
38 requirements by appraisers are prima facie evidence of violations
39 of the Maine Unfair Trade Practices Act.

40 The amendment also adds a fiscal note to the bill.