

1.1 A bill for an act

1.2 relating to insurance; regulating motor vehicle insurance adjustments; amending  
1.3 Minnesota Statutes 2007 Supplement, section 72B.092, subdivision 1.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2007 Supplement, section 72B.092, subdivision 1, is  
1.6 amended to read:

1.7 Subdivision 1. **Prohibitions on insurer.** No adjuster or insurer, director, officer,  
1.8 broker, agent, attorney-in-fact, employee, or other representative of an insurer shall  
1.9 in collision cases:

1.10 ~~(a)~~ (1) limit the freedom of an insured or claimant to choose the shop;

1.11 ~~(b)~~ (2) require that an insured or claimant present the claim or the automobile for  
1.12 loss adjustment or inspection at a "drive-in" claim center or any other similar facility  
1.13 solely under the control of the insurer;

1.14 ~~(c)~~ (3) engage in boycotts, intimidation or coercive tactics in negotiating repairs to  
1.15 damaged motor vehicles which they insure or are liable to claimants to have repaired;

1.16 ~~(d)~~ (4) attempt to secure, except in an emergency, the insured's or claimant's  
1.17 signature authorizing the party securing the signature to act in behalf of the insured or  
1.18 claimant in selection of a repair shop facility;

1.19 ~~(e)~~ (5) adjust a damage appraisal of a repair shop when the extent of damage is in  
1.20 dispute without conducting a physical inspection of the vehicle; ~~or~~

1.21 ~~(f)~~ (6) specify the use of a particular vendor for the procurement of parts or other  
1.22 materials necessary for the satisfactory repair of the vehicle. This clause does not require  
1.23 the insurer to pay more than a reasonable market price for parts of like kind and quality in  
1.24 adjusting a claim;

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2.1           (7) modify any published manual including, but not limited to, CCC Information  
2.2           Services, Inc., Mitchell International, Audatex, or any other industry recognized  
2.3           automated appraisal system relating to auto body repair unless agreed upon by the insurer  
2.4           and the collision repair facility;

2.5           (8) fail to use a manual or system in its entirety in the appraisal of a motor vehicle  
2.6           unless agreed upon by the insurer and the collision repair facility; or

2.7           (9) refuse to compensate an auto body shop for documented charges as identified  
2.8           through industry recognized software programs or systems for paint and refinishing  
2.9           materials in auto body repair claims.