



General Assembly

February Session, 2008

**Raised Bill No. 288**

LCO No. 1841

\* SB00288JUD 040108 \*

Referred to Committee on Transportation

Introduced by:  
(TRA)

**AN ACT CONCERNING AN INSURED'S RIGHT TO CHOOSE A MOTOR VEHICLE REPAIRER.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-354 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2008*):

3 (a) (1) No automobile physical damage appraiser shall require that  
4 appraisals or repairs should or should not be made in a specified  
5 facility or repair shop or shops.

6 (2) The appraiser shall include with the appraisal the following  
7 notice in clear and conspicuous boldface type of at least ten point type:

8 "PURSUANT TO CONNECTICUT LAW, THE INSURED HAS A  
9 RIGHT TO CHOOSE THE REPAIR FACILITY TO PERFORM  
10 REPAIRS TO A MOTOR VEHICLE, AND AN INSURANCE  
11 COMPANY MAY NOT INTERFERE WITH THE INSURED'S CHOICE  
12 OF REPAIRER."

13 (b) No insurance company doing business in this state, or agent or  
14 adjuster for such company shall recommend, request or require any

15 insured to use a specific person for the provision of automobile  
16 physical damage repairs, automobile glass replacement, glass repair  
17 service or glass products. [unless otherwise agreed to in writing by the  
18 insured.]

19 (c) As used in this section, "recommend, request or require" shall  
20 include any act to influence an insured's decision, including, but not  
21 limited to, (1) reducing the amount of deductible or premium or  
22 offering additional warranties if the insured chooses a preferred repair  
23 facility, or (2) suggesting that choosing a facility other than a preferred  
24 facility will result in delays in repairing the motor vehicle, a lack of  
25 guaranty for repair work or additional costs to the insured, provided  
26 an insurance company or appraiser may provide an insured with an  
27 alphabetical list of all licensed repairers within the zip code and  
28 adjoining zip codes of such insured's address.

29 Sec. 2. Section 38a-352 of the general statutes is repealed and the  
30 following is substituted in lieu thereof (*Effective July 1, 2008*):

31 (a) All claims paid by an insurer, a holding company of an insurer  
32 or a wholly owned subsidiary of an insurer for any loss to motor  
33 vehicles or any claim for damages to motor vehicles, shall be paid to  
34 the claimant by check, electronic transfer to the claimant or other  
35 means that provide the claimant immediate access to the funds.

36 (b) The labor rate for the repair of damage to a motor vehicle that is  
37 paid by an insurer, a holding company of an insurer or a wholly  
38 owned subsidiary of an insurer to the claimant shall be the usual and  
39 customary rate for such repairs. As used in this subsection, "usual and  
40 customary rate" shall mean the labor rate that the general public  
41 commonly pays for similar repairs to similar vehicles in the same  
42 geographic area of the state.

43 (c) Any violation of the provisions of this section by an insurer shall  
44 be deemed an unfair or deceptive insurance practice under section 38a-  
45 816.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2008</i>	38a-354
Sec. 2	<i>July 1, 2008</i>	38a-352

**TRA**      *Joint Favorable*

**JUD**      *Joint Favorable*