

By Senator Campbell

32-915-05

See HB

1 A bill to be entitled

2 An act relating to motor vehicle repairs;

3 requiring collision centers, insurance claims

4 centers, and insurance adjusters' offices to

5 display a disclosure relating to the selection

6 and ownership of repair facilities; requiring

7 certain repair facilities to submit a report to

8 the Office of Insurance Regulation; providing

9 criteria for the report; requiring the office

10 to maintain the information contained in the

11 report; requiring the office to make such

12 information available to appropriate

13 substantive legislative committees; authorizing

14 the office to penalize repair facilities;

15 providing civil penalties; providing that no

16 order of the office or court or holding of a

17 hearing will relieve or absolve a person from

18 liability, penalty, or forfeiture under law;

19 providing an effective date.

21 Be It Enacted by the Legislature of the State of Florida:

22

23 Section 1. Disclosure; conflict of interest.--The

24 following disclosure is required by law to be posted in

25 visible sight in the customer area of any collision center,

26 insurance claims center, or insurance adjuster's office:

27

28 A PERSON IN THIS STATE HAS THE RIGHT TO CHOOSE

29 ANY REPAIR FACILITY FOR THE REPAIR OF A MOTOR

30 VEHICLE LOSS. IF AN INSURER PROVIDES

31 INFORMATION ABOUT A REPAIR FACILITY, THE

1 INSURER SHALL INFORM THE PERSON OF THIS RIGHT
2 AT THE SAME TIME AS PROVIDING THE INFORMATION.
3 THIS SECTION DOES NOT CREATE A PRIVATE RIGHT OR
4 CAUSE OF ACTION TO OR ON BEHALF OF ANY PERSON.

5
6 IF AN INSURED OR CLAIMANT SELECTS A REPAIR
7 FACILITY TO REPAIR THE INSURED'S OR CLAIMANT'S
8 MOTOR VEHICLE AND THE INSURER OWNS AN INTEREST
9 IN THAT REPAIR FACILITY, THE ADJUSTER FOR THE
10 MOTOR VEHICLE MAY NOT BE EMPLOYED BY THE REPAIR
11 FACILITY OR HAVE ANY DIRECT AUTHORITY OVER THAT
12 FACILITY'S RECOMMENDATIONS OR DECISIONS
13 RELATING TO THE REPAIR OF THE INSURED'S OR
14 CLAIMANT'S MOTOR VEHICLE.

15 Section 2. Reports by insurer-owned repair
16 facilities.--

17 (1) Not later than January 10 each year, through
18 January 10, 2010, each repair facility that an insurer owns an
19 interest in and that engages in the business of repairing or
20 replacing the nonmechanical exterior or interior body parts of
21 a damaged motor vehicle shall file a report with the Director
22 of the Office of Insurance Regulation:

23 (a) Providing the number of motor vehicles repaired,
24 including the dollar amount of those repairs, by the repair
25 facility in the previous calendar year in which the motor
26 vehicle owners were insured by or claimants of the insurer
27 that owns an interest in the repair facility.

28 (b) Providing the number of motor vehicles repaired,
29 including the dollar amount of those repairs, by the repair
30 facility in the previous calendar year in which the motor
31 vehicle owners were insured by or claimants of the insurer

1 that owns an interest in the repair facility as a percentage
2 of the total number of motor vehicles repaired, or the total
3 dollar amount of those repairs, by that repair facility for
4 that calendar year.

5 (2) The Office of Insurance Regulation shall maintain
6 the information received pursuant to subsection (1) and make
7 this information and any violations of this act available
8 annually to the appropriate substantive committees of the
9 Senate and the House of Representatives.

10 Section 3. Cease and desist order for defined or
11 prohibited practices; civil penalty.--

12 (1) If, after a hearing, the Office of Insurance
13 Regulation finds that a person or a repair facility has
14 engaged or is engaging in any illegal or unfair method of
15 competition or an unfair or deceptive act or practice under
16 this act, the office:

17 (a) Shall order such person or repair facility to
18 cease and desist from the proscribed acts or practices.

19 (b) May impose a civil penalty of not more than \$1,000
20 for each act or violation but not to exceed an aggregate
21 penalty of \$50,000 in any 6-month period unless the person or
22 repair facility intentionally violates this subsection, in
23 which case the office may impose a civil penalty of up to
24 \$5,000 for each act or violation but not to exceed an
25 aggregate penalty of \$100,000 in any 6-month period.

26 (2) No order of the Office of Insurance Regulation
27 pursuant to this act, order of a court to enforce such order,
28 or holding of a hearing may in any manner relieve or absolve
29 any person affected by the order or hearing from any other
30 liability, penalty, or forfeiture under law.

31 Section 4. This act shall take effect July 1, 2005.