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A bill to be entitled
 An act relating to motor vehicle repairs; requiring
 collision centers, insurance claims centers, and insurance
 adjusters' offices to display a disclosure relating to the
 selection and ownership of repair facilities; requiring
 certain repair facilities to submit a report to the Office
 of Insurance Regulation; providing criteria for the
 report; requiring the office to maintain the information
 contained in the report; requiring the office to make such
 information available to appropriate substantive
 legislative committees; authorizing the office to penalize
 repair facilities; providing civil penalties; providing
 that no order of the office or court or holding of a
 hearing will relieve or absolve a person from liability,
 penalty, or forfeiture under law; providing an effective
 date.

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

Section 1. Disclosure; conflict of interest.--The
following disclosure is required by law to be posted in visible
sight in the customer area of any collision center, insurance
claims center, or insurance adjuster's office:

A PERSON IN THIS STATE HAS THE RIGHT TO CHOOSE ANY
REPAIR FACILITY FOR THE REPAIR OF A MOTOR VEHICLE
LOSS. IF AN INSURER PROVIDES INFORMATION ABOUT A
REPAIR FACILITY, THE INSURER SHALL INFORM THE PERSON

29 OF THIS RIGHT AT THE SAME TIME AS PROVIDING THE
 30 INFORMATION. THIS SECTION DOES NOT CREATE A PRIVATE
 31 RIGHT OR CAUSE OF ACTION TO OR ON BEHALF OF ANY
 32 PERSON.

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 34 IF AN INSURED OR CLAIMANT SELECTS A REPAIR FACILITY TO
 35 REPAIR THE INSURED'S OR CLAIMANT'S MOTOR VEHICLE AND
 36 THE INSURER OWNS AN INTEREST IN THAT REPAIR FACILITY,
 37 THE ADJUSTER FOR THE MOTOR VEHICLE SHALL NOT BE
 38 EMPLOYED BY THE REPAIR FACILITY OR HAVE ANY DIRECT
 39 AUTHORITY OVER THAT FACILITY'S RECOMMENDATIONS OR
 40 DECISIONS RELATING TO THE REPAIR OF THE INSURED'S OR
 41 CLAIMANT'S MOTOR VEHICLE.

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 43 Section 2. Reports by insurer-owned repair facilities.--

44 (1) Not later than January 10 each year, through January
 45 10, 2010, each repair facility that an insurer owns an interest
 46 in and that engages in the business of repairing or replacing
 47 the nonmechanical exterior or interior body parts of a damaged
 48 motor vehicle shall file a report with the Director of the
 49 Office of Insurance Regulation:

50 (a) Providing the number of motor vehicles repaired,
 51 including the dollar amount of those repairs, by the repair
 52 facility in the previous calendar year in which the motor
 53 vehicle owners were insured by or claimants of the insurer that
 54 owns an interest in the repair facility.

55 (b) Providing the number of motor vehicles repaired,
 56 including the dollar amount of those repairs, by the repair

57 facility in the previous calendar year in which the motor
 58 vehicle owners were insured by or claimants of the insurer that
 59 owns an interest in the repair facility as a percentage of the
 60 total number of motor vehicles repaired, or the total dollar
 61 amount of those repairs, by that repair facility for that
 62 calendar year.

63 (2) The Office of Insurance Regulation shall maintain the
 64 information received pursuant to subsection (1) and make this
 65 information and any violations of this act available annually to
 66 the appropriate substantive committees of the Senate and the
 67 House of Representatives.

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

70 (1) If, after a hearing, the Office of Insurance
 71 Regulation finds that a person or a repair facility has engaged
 72 or is engaging in any illegal or unfair method of competition or
 73 an unfair or deceptive act or practice under this act, the
 74 office:

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

77 (b) May impose a civil penalty of not more than \$1,000 for
 78 each act or violation but not to exceed an aggregate penalty of
 79 \$50,000 in any 6-month period unless the person or repair
 80 facility intentionally violates this subsection, in which case
 81 the office may impose a civil penalty of up to \$5,000 for each
 82 act or violation but not to exceed an aggregate penalty of
 83 \$100,000 in any 6-month period.

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84 (2) No order of the Office of Insurance Regulation
85 pursuant to this act, order of a court to enforce such order, or
86 holding of a hearing may in any manner relieve or absolve any
87 person affected by the order or hearing from any other
88 liability, penalty, or forfeiture under law.

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