

TITLE 230 – DEPARTMENT OF BUSINESS REGULATION

CHAPTER 30 – COMMERCIAL LICENSING

SUBCHAPTER 05 – AUTO BODY

PART 4 – Automobile Body Shop On-Site Inspection Standards

4.1 Authority

This regulation ("Regulation") is promulgated by the Department of Business Regulation ("Department") pursuant to the authority granted in R.I. Gen. Laws §§ 5-38-2, 5-38-7, 5-38-26, and 42-14-17, and Parts 30-05-1 and 30-05-2 of this Title.

4.2 Purpose

- A. The purpose of this Regulation is to:
 - 1. Provide definitions for terms related to automobile body shop conduct during on-site inspections of vehicles;
 - 2. Establish on-site inspection standards relating to automobile body shop conduct during inspection, initial and supplemental motor vehicle damage appraisal, reinspection, and any other reasonable contact by an insurance representative related to the appraisal and/or inspection of the vehicle at issue; and,
 - 3. Provide guidelines and standards to promote efficient and professional on-site inspections of vehicles.
- B. This Regulation applies to all automobile body repair shops licensed by the Department and applies to every On-Site Visit by an Insurance Representative.
- C. This Regulation also provides a submission process (a non-complaint mechanism) to allow Insurance Representatives to inform the Department of any alleged violations of this Regulation.

4.3 Definitions

- A. "Insurance Representative" means any agent duly authorized by an Insurance Company with potential liability related to a claim, a motor vehicle damage appraiser licensed pursuant to R.I. Gen. Laws § 27-10.1-1 *et seq.* seeking to appraise or inspect a vehicle, or a claim adjuster licensed pursuant to R.I. Gen. Laws § 27-10-1 *et seq.*

- B. "On-Site Visit" means any time in which an Insurance Representative appears at an automobile body repair shop for the purpose of inspecting, appraising, supplementally appraising, or re-inspecting a vehicle in the possession of an automobile body repair shop.

4.4 Minimum Space Requirements

Unless the vehicle is damaged such that it cannot be moved in advance, there shall be a minimum of two and one half (2 ½) feet of unobstructed space around each of the four (4) sides of the vehicle to facilitate movement of the Insurance Representative, lien-holder and/or owner and allow sufficient space for the taking of photographs and views of vehicle. This section shall apply to vehicle identification number ("VIN") checks pursuant to § 4.8(A) and (B) of this Part.

4.5 Lighting Requirements

If the area in which the vehicle is located is equipped with lights, the lighting shall be maintained and available throughout the appraisal process during normal business hours of the shop. The Insurance Representative shall be permitted to bring his or her own portable lighting.

4.6 Access to Vehicle

An automobile body repair shop shall allow an Insurance Representative the opportunity to appraise/inspect the damaged vehicle. The vehicle to be appraised/inspected must be unlocked or the keys must be readily available to the appraiser if the automobile body repair shop has custody of the keys. Access to all compartments, including the engine compartment, of the vehicle relative to the damage must be allowed. If an Insurance Representative requests that the automobile body repair shop create access to a compartment of a vehicle, the shop may submit charges for said collision access time to the Insurance Representative.

4.7 Non-Interruption of Inspection/Appraisal

Automobile body repair shops shall not terminate an appraisal or inspection from the time it begins until it is completed by the motor vehicle damage appraiser or other Insurance Representative during the normal business hours of the shop. Unless it becomes impractical whether due to unavailability of required information or for other good explained reason.

4.8 Appointments

- A. Insurance Representatives shall be allowed to inspect any vehicle for photographs and vehicle identification number checks; an automobile body repair shop must permit such access within four (4) hours of such request.

- B. Insurance Representatives must be allowed with or without appointment, to make an appraisal inspection of any vehicle as soon as practically possible, but in any event, not more than three (3) days following the insurance representative's written or oral request to inspect.
- C. Given that Insurance Representatives are expected to contact the automobile body repair shop in advance to establish an opportunity for an appraisal inspection visit pursuant to Part 20-50-3 of this Title, automobile body repair shops shall accommodate such requests as soon as practical, with the motor vehicle damage appraisal to occur no later than three (3) business days from the date of the request. The automobile body repair shop shall not unduly delay the Insurance Representative when the Insurance Representative arrives for the appointment. This section shall apply to an inspection by an expert designated by an insurance company and expressly approved by a vehicle owner or their legal representative.
- D. Automobile Body Repair Shops are only required to produce invoices and receipts of repair work upon a request for reinspection pursuant to R.I. Gen. Laws § 27-10.1-9 not an inspection request to assess supplemental damage.

4.9 Automobile Body Shop Conduct During Motor Vehicle Damage Appraisal Visit

Automobile body repair shop personnel shall conduct themselves in a professional manner by fair and honorable dealings and shall refrain from intimidation, threats, and/or from offering or paying gratuities or inducements to Insurance Representatives.

4.10 Supplemental Inspection by Non-Initial Inspection Appraiser

Automobile body repair shops must allow motor vehicle damage appraisals for supplemental appraisals to be performed by a motor vehicle damage appraiser who did not perform the initial appraisal on the claim.

4.11 Tracking of Time Related to Inspection/Appraisal

In the event that a vehicle has been disassembled, the insurance company may require the automobile body repair shop to re-assemble the vehicle. The automobile body repair shop shall keep a record of all time related to dismantling, collision access time, and re-assembly of vehicles and shall submit charges for reasonable time. The automobile body repair shop shall provide said records to the Insurance Representative if necessary to support payment for said time.

4.12 Enforcement

Any violation of this Regulation by an automobile body repair shop shall be enforced by the Department pursuant to its authority under applicable law.

4.13 Submissions Regarding Statutory/Regulatory Violations

- A. Submissions by Insurance Representatives regarding violation(s) of this Regulation by an automobile body repair shop licensee, shall be presented in writing to the Department subject to the following:
1. Such submissions will be processed by the Department in its discretion if the Department believes reasonable cause exists to investigate the allegations.
 2. Such submissions shall provide documentary evidence of alleged violations which substantiate the allegations with specific reference to both statutory and regulatory sections at issue.
 3. If the submissions made by Insurance Representatives provide evidence of statutory and/or regulatory violations, the Department may prosecute said issues pursuant to its authority to initiate Departmental Hearings pursuant to Part 10-00-2 of this Title.
 4. Such submissions may, and are encouraged to, combine allegations of multiple violations in one correspondence.
- B. Any abuse of the process under this Part by Insurance Representative(s) shall result in a bar of the ability of that Insurance Representative and its affiliated Insurance Company to file any future submissions under this Part. Said bar shall be at the discretion of the Director.

4.14 Severability

If this Regulation or its application to any individual, entity, or circumstance is held to be invalid, such invalidity, shall not effect other provisions or application of this Regulation, which can be given effect without the invalid provision, and application, and to this end the provisions are declared to be severable.

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**TITLE 230 - DEPARTMENT OF BUSINESS REGULATION (INCLUDES
THE OFFICE OF THE HEALTH INSURANCE COMMISSIONER)**

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**PART 4 - AUTOMOBILE BODY SHOP ON-SITE INSPECTION STANDARDS (230-
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