

HOUSE BILL No. 4778

May 17, 2007, Introduced by Rep. Farrah and referred to the Committee on Commerce.

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 21A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 21A. INSURER INTERESTS IN REPAIR FACILITIES

Sec. 2151. As used in this chapter:

- (a) "insurer" means an automobile insurer and includes an entity that is an affiliate of the insurer.
- (b) "repair facility" means a motor vehicle repair facility as Defined in section 2 of the motor vehicle service and repair act, 1974 pa 300, mcl 257.1302.

Sec. 2153. Except as provided in this chapter, an insurer may not own or acquire an ownership interest in a repair facility.

Sec. 2155.

(1) an insurer that has an ownership interest in a Repair facility on the effective date of the amendatory act that added this section shall divest itself of any ownership interest in that facility by December 31, 2008.

(2) during the period in which the insurer maintains its interest in the repair facility before the divestiture required under subsection (1), the insurer shall do all of the following:

- (a) post a notice in not less than 18-point font at the customer entrance of each of the repair facilities in which the insurer has an ownership interest stating: "this repair facility is owned in whole or in part by (insert Name of insurer). You are hereby notified that you are entitled to seek repairs at a repair facility of your choice."
- (b) shall notify an insured in writing at the time a policy is delivered, issued for delivery, or renewed of the insurer's ownership interest and that the insured is entitled to seek repairs at a repair facility of his or her choice.
- (c) shall notify an insured verbally at the time a claim is filed of the insured's ownership interest and that the insured is entitled to seek repairs at a repair facility of his or her choice.

Sec. 2157.

(1) a person, including, but not limited to, a repair facility, aggrieved by a violation of this chapter by an insurer may bring an action for injunctive or other appropriate relief to compel the insurer to comply with this chapter.

(2) a plaintiff who prevails in an action under this section is entitled to recover reasonable attorney fees and court costs.

Y = YEAS

N = NAYS

P = PASSED ON VOTE

Y - [Virgil Smith \(D\), Committee Chair, 7th District](#)
Y - [Barbara Farrah \(D\), Majority Vice-Chair, 13th District](#)
Y - [Paul Condino \(D\), 35th District](#)
Y - [Bob Constan \(D\), 16th District](#)
Y - [Bert Johnson \(D\), 5th District](#)
Y - [LaMar Lemmons Jr. \(D\), 2nd District](#)
Y - [Gino Polidori \(D\), 15th District](#)
[Bettie Cook Scott \(D\), 3rd District](#)
Y - [Mike Simpson \(D\), 65th District](#)
Y - [Lisa Wojno \(D\), 28th District](#)
N - [Joe Hune \(R\), Minority Vice-Chair, 47th District](#)
N - [Judy Emmons \(R\), 70th District](#)
N - [Dave Hildenbrand \(R\), 86th District](#)
[David Law \(R\), 39th District](#)
[Tim Moore \(R\), 97th District](#)
N - [Tory Rocca \(R\), 30th District](#)
P - [Edward Gaffney \(R\), 1st District](#)

AMENDED:

Sec. 2159. An insurer shall not develop a list of preferred repair facilities or in any other way convey to an insured information regarding which repair facility the insured should seek repairs

~~in~~ from the event of a claim.

After it was amended to include Sec. 2159, all votes remained the same EXCEPT Rep. Tory Rocca voted Yea