

April 12, 2017

TO ALL CONCERNED PARTIES

Re: Advisory Ruling 2017-1

The Auto Damage Appraiser Licensing Board (ADALB or Board) is authorized to oversee all motor vehicle damage appraisers in the Commonwealth of Massachusetts pursuant to M.G.L. c. 26, § 8G and 212 CMR 2.00 et seq., “The Appraisal and Repair of Damaged Motor Vehicles”, as promulgated by the ADALB. Pursuant to its authority the ADALB is authorized to issue licenses to all motor vehicle damage appraisers in the Commonwealth (licensed appraisers or appraiser) 212 CMR 2.02, regulate the manner of conducting motor vehicle damage appraisals 212 CMR 2.04, and to issue Advisory Rulings pursuant to 212 CMR 2.01 (3) and M.G.L. c. 30A, § 8. It is the intention of the ADALB to issue an Advisory Ruling consistent with 212 CMR 2.00 and M.G.L. c. 26, § 8G to be followed by licensed appraisers.

Pursuant to its authority, the ADALB voted by a majority vote at the Board’s meeting held on April 12, 2017, to adopt this Advisory Ruling.

ADVISORY RULING

The Auto Damage Appraiser Licensing Board has passed a motion declaring, if during the review of photographs or video submitted by a consumer for a claim that falls below the \$1,500 damage threshold, (212 CMR 2.04 (1)(a) mandates a written appraisal of motor vehicle damage in excess of \$1,500 less any deductible) the appraiser determines that a motor vehicle is or may be damaged such that: (a) it may no longer meet the safety standards established by the registrar of motor vehicles under section seven A of chapter ninety; or (b) it may no longer comply with the motor vehicle emission standards established by the commissioner of the department of environmental protection under section 142M of chapter one hundred and eleven, the appraiser may not conclude the appraisal based on the photographs or video, but shall continue the appraisal by conducting a personal inspection of the damaged motor vehicle. Furthermore, the appraiser shall immediately notify the owner of the damaged motor vehicle that the vehicle may be unsafe to drive and/or in violation of the emission standards.

This Advisory Ruling shall be effective upon posting on the Auto Damage Appraiser Licensing Board public website. Failure to comply with this ruling could result in fines and penalties as provided for by law.

For the ADALB,

Michael D. Powers, Esq.
Legal Counsel to the Board