

540 CMR: REGISTRY OF MOTOR VEHICLES

540 CMR 19.00: REMOVAL OF CERTIFICATE OF INSPECTION BY LICENSED AUTO DAMAGE APPRAISERS

Section

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19.01: Purpose

540 CMR 19.00 is adopted by the Registrar pursuant to M.G.L. c. 26, § 8G to promote the public welfare and safety by establishing uniform standards for the process of the removal of Certificates of Inspection from unsafe motor vehicles by licensed auto damage appraisers.

19.02: Scope and Applicability

All licensed auto damage appraisers shall comply with the provisions of 540 CMR 19.00 while performing their official duty of appraising insurance related auto damage.

19.03: Definitions

In addition to the definitions defined in 212 CMR 2.01(3), the following definitions shall apply.

Certificate of Inspection. A certificate issued pursuant to 540 CMR 4.00.

Registrar. The Registrar of Motor Vehicles.

Temporary Certificate of Inspection. A serially numbered adhesive sticker as prescribed by the Registrar which may only be used to replace a valid Certificate of Inspection displayed on a motor vehicle that no longer meets the prescribed safety or emissions annual inspection standards.

Temporary Certificate of Inspection Stub, or Stub. A serially numbered stub corresponding to the respective Temporary Certificate of Inspection.

19.04: Requirements for Removal and Replacement of Certificates of Inspection

Whenever an appraiser determines that a motor vehicle is damaged such that it no longer meets the safety or emissions standards prescribed in 540 CMR 4.00 or 310 CMR 7.00, the Certificate of Inspection shall be replaced with a Temporary Certificate of Inspection.

- (1) The appraiser's responsibility to determine if a motor vehicle meets the prescribed safety or emissions standards shall be limited to obvious visible safety or emissions damage included in the itemization of parts, labor or service necessary to restore the damage for which the claim is initiated.
- (2) The Registrar shall periodically provide appraisers with specific guidelines on the following safety or emissions items that require replacement of the Certificate of Inspection if found inoperable or unsafe:
 - (a) brakes, service and parking,
 - (b) exhaust system,
 - (c) fuel tank,
 - (d) horn,

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19.04: continued

- (e) lighting,
- (f) seat belts,
- (g) sharp protruding metal,
- (h) steering and suspension,
- (i) tires, and
- (j) windshield and windshield wipers.

(3) If an appraiser is unable to replace the Certificate of Inspection with a Temporary Certificate of Inspection because the vehicle is locked, the owner refuses access to the interior of the vehicle, or for any other reason preventing access to the interior of the vehicle, the appraiser shall:

- (a) insert the following information on the form prescribed in 540 CMR 19.00 Appendix A: claim number, date, Appraiser's name and the information required by such form in numbered paragraphs 1, 3 and 7; and
- (b) mail the form to the claimant by first class mail, postage prepaid, to the last address shown on the insurance company's records or, if the records contain no such address, at the claimant's last business, residence or other address known to the insurance company.

(4) If a claimant who has received the form prescribed in 540 CMR 19.00 Appendix A asks any licensed auto damage appraiser for a Temporary Certificate of Inspection because the vehicle no longer meets the safety or emissions standards prescribed in 540 CMR 4.00 or 310 CMR 7.00 the appraiser shall:

- (a) replace the Certificate of Inspection with a Temporary Certificate of Inspection without charge to the claimant; and
- (b) sign the form prescribed in 540 CMR 19.00 Appendix A and provide the information required in numbered paragraph 6 of such form.

19.05: Availability and Accountability of Temporary Certificates of Inspection

(1) Temporary Certificates of Inspection shall be available to all duly licensed auto appraisers. All required information shall be recorded clearly and legibly on the Certificate and Stub. The Certificate shall be affixed to the bottom center inside of the windshield. All Temporary Certificate of Inspection Stubs shall be retained by the assigned appraiser or the appraiser's employer for a minimum of one year after issuance.

(2) The Registrar or any designee assigned may audit all records related to the issuance of Temporary Certificates of Inspection and, at the discretion of the Registrar or the designee, may remove from the premises for investigation all Temporary Certificate of Inspection Stubs for further investigation.

(3) Temporary Certificates of Inspection may not be sold, transferred, loaned or used in any way, other than to be affixed to the windshield of a motor vehicle by the assigned appraiser in the process of his or her official duty in preparation of an appraisal. The Appraiser shall immediately report in writing to the Registrar the loss, theft or damage of any Temporary Certificate of Inspection or Stubs.

19.06: Penalties

In addition to the penalties prescribed in M.G.L. c. 90, § 20, the Registrar may report violations of M.G.L. c. 26, § 8G or 540 CMR 19.00 to the Auto Damage Appraisers Licensing Board which may impose penalties as prescribed in 212 CMR 2.05.

REGULATORY AUTHORITY

540 CMR 19.00: M.G.L. c.26, §8G.

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19.07: Appendix A

Claim Number: _____

Date: _____

Appraiser: _____

IMPORTANT NOTICE:

1. Your vehicle has sustained damage such that it may no longer meet the annual safety or emissions inspection standards. Your vehicle has such damage to the following item(s):

2. Massachusetts General Laws and 540 CMR 19.00 now require that the Certificate of Inspection be replaced by a Temporary Certificate of Inspection whenever a Licensed Damage Appraiser determines that a vehicle is damaged such that it may no longer meet the annual safety or emissions inspection standards.

3. The appraiser was unable to replace the Certificate of Inspection with a Temporary Certificate of Inspection due to the following:

a. Vehicle locked ___

b. Other (explain) _____

4. You must arrange for the replacement of your Certificate of Inspection with a Temporary Certificate of Inspection immediately, or alternatively, have the vehicle repaired so that it may pass the safety and emissions standards and obtain a new Certificate of Inspection immediately.

Failure to do so may result in a delay in settling your claim with the insurance company. The following are authorized to replace the Certificate of Inspection with a Temporary Certificate of Inspection at no charge to you:

a. Any Licensed Auto Damage Appraiser

b. Any Registry of Motor Vehicle Inspector

5. The Temporary Certificate of Inspection is valid for a period of 20 days. The damage which required the replacement of the Certificate of Inspection must be repaired before the expiration of the 20 day period. Operating a vehicle without a valid Certificate of Inspection will subject the operator to fines and insurance surcharges.

6. You must return a copy of this form signed by one of the authorized individuals specified in 4a. or b. above attesting to the replacement of the Certificate of Inspection with the Temporary Certificate to the address specified below.

I, _____ replaced

Name Appraiser Lic.# or Badge Department Date
Certificate of Inspection, Serial Number _____ with Temporary
Certificate of Inspection, Serial Number _____.

7. Return this form to: _____

This form approved by the Commissioner of Insurance and the Registrar of Motor Vehicles.

3 parts: # 1 Motorist. # 2 Attach to Appraisal. # 3 Appraiser.

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NON-TEXT PAGE