



THE COMMONWEALTH OF MASSACHUSETTS AUTO DAMAGE APPRAISER LICENSING BOARD

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TO ALL CONCERNED PARTIES

Re: **Repeal of Advisory Ruling 2020-01**

The Auto Damage Appraiser Licensing Board is authorized to issue licenses to all motor vehicle damage appraisers in the Commonwealth (licensed appraisers) 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.

Pursuant to its authority, the Auto Damage Appraiser Licensing Board (Board) voted by a majority vote at the Board's meeting held on March 23, 2021 to repeal Advisory Ruling 2020-01 effective May 15, 2021.

ADVISORY RULING 2020-01 provided:

On March 10, 2020, Governor Charles D. Baker declared a "State of Emergency," based on a public health emergency for the entire United States to aid the nation's healthcare community in responding to the 2019 novel Coronavirus ("COVID-19") and took critical steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the people of the Commonwealth. Pursuant to the powers provided by Chapter 639 of the Acts of 1950, as amended, Sections 5, 6, 7, 8, and 8A and Section 2A of Chapter 17 of the General Laws and other provisions of law, the Governor is authorized from time to time issue recommendations, directives, and orders as the circumstances may require.

The Auto Damage Appraiser Licensing Board is authorized to issue licenses to all motor vehicle damage appraisers in the Commonwealth (licensed appraisers) 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. M.G.L. c. 26, § 8G provides in relevant part "The board shall after notice and hearing in the manner provided in chapter thirty A adopt rules and regulations governing licenses under this section in order to promote the public welfare and safety."

Pursuant to its authority, the Auto Damage Appraiser Licensing Board voted by a majority vote at the Board's meeting held on March 26, [2020] to adopt this Advisory Ruling.

ADVISORY RULING

The Auto Damage Appraiser Licensing Board (Board) has passed a motion, temporarily waiving the requirement of “personal inspections” of motor vehicle damage where the amount of the loss, less any applicable deductible is up to \$3000.00, as required by 212 CMR 2.04(1)(a) which provides in relevant part:

(1) Conduct of Appraisals.

(a) Assignment of an Appraiser. Upon receipt by an insurer or its agent of an oral or written claim for damage resulting from a motor vehicle accident, theft, or other incident for which an insurer may be liable, the insurer shall assign either a staff or an independent appraiser to appraise the damage... However, the insurer may exclude any claim for which the amount of loss, less any applicable deductible, is less than \$1,500.00.

The Board reminds licensed appraisers that any review of motor vehicle damage must be conducted in a manner in consideration of the safe operation of the motor vehicle and they have a duty to notify consumers when a motor vehicle is unsafe to operate. This Advisory Ruling shall be effective upon posting on the Auto Damage Appraiser Licensing Board public website. The Advisory Ruling will terminate in accordance with Governor Baker’s determination that the State of Emergency no longer exists or by the Board posting such notice on its public website, whichever event occurs earlier.

By the Board’s vote taken on March 23, 2021, the above Advisory Ruling 2020-1 is repealed, and appraisals of motor vehicle damage by licensed appraisers are required as provided for under 212 CMR 2.04(1)(a). 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