



**THE COMMONWEALTH OF MASSACHUSETTS  
AUTO DAMAGE APPRAISER LICENSING BOARD**

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PETER SMITH

March 20, 2020

Office of State Secretary  
Regulations Division  
State House  
Room 117  
Boston, MA 02133

Re: Meeting and Agenda Items for the Massachusetts Auto Damage Appraiser Licensing Board  
March 26, 11:00 AM

Dear Concerned Parties:

In accordance with Massachusetts General Laws Chapter 30A, §§ 18-25 and Governor Charles D. Baker's "ORDER SUSPENDING CERTAIN PROVISIONS OF THE OPEN MEETING LAW, G.L. c. 30A, § 20" issued on March 12, 2020, the Auto Damage Appraiser Licensing Board (ADALB or Board) will hold a meeting on Thursday, March 26, 2020 by teleconference at 11:00AM from 1000 Washington Street, Boston, Massachusetts. Because of an Order issued by Governor Charles D. Baker on March 16, 2020, gatherings of over 25 people are prohibited and, therefore, members of the general public will not be allowed to attend in-person. The public is invited to join-in the teleconference meeting by dialing the "Participants" telephone number at: 1-877-820-7831 and entering the Passcode 623523#. The topics to be discussed during the meeting of the Auto Damage Appraiser Licensing Board will be the following:

- I. Call to order.

- II. Proposed Advisory Ruling 2020-1 submitted by Board Member Peter Smith which is the following:

March 26, 2020

TO ALL CONCERNED PARTIES

Re: **Advisory Ruling 2020-01**

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 ---, to adopt this Advisory Ruling.

### **ADVISORY RULING**

The Auto Damage Appraiser Licensing Board (Board) has passed a motion agreeing that an appraisal conducted by a licensed appraiser via review of quality photographic, video or digital images with documentation meets the requirements of 212 CMR 2.04(1)(d) “The appraiser shall personally inspect the damaged motor vehicle and shall rely primarily on that personal inspection in making that appraisal....” In addition, the Board temporarily waives the requirement of “personal inspections” of motor vehicle damage where the amount of the loss, less any applicable deductible is up to \$5000.00, 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.

Failure to comply with this ruling could result in fines and penalties as provided for by law.

For the ADALB,

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

- III. Rescheduling of ADALB meeting currently scheduled for April 7, 2020 at 1000 Washington Street, Boston, Massachusetts.
- IV. New business not contemplated before the posting of the notice of meeting.
- V. Motion to adjourn.

Auto Damage Appraiser Licensing Board,  
By its Legal Counsel

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I certify that, this Notice was sent by U.S. Mail postage prepaid to the Massachusetts Office of Administration and Finance, to the Office of the Secretary for the Commonwealth and forwarded by e-mail to the IT Services for the Commonwealth.

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Michael D. Powers  
Counsel to the ADALB

\_\_\_\_\_  
Date