

Pursuant to its authority, the Auto Damage Appraiser Licensing Board will vote at the Board's meeting scheduled for July 14, 2026, to adopt this proposed Advisory Ruling. The Board is seeking comments from interested parties prior to conducting a vote on the proposed Advisory Ruling.

Proposed Advisory Ruling:

TO ALL CONCERNED PARTIES RE: Advisory Ruling 2026-X

Preliminary Statement

This Advisory Ruling shall apply solely in situations in which an insurer undertakes the appraisal of motor vehicle damage that may ultimately result in the issuance of a claim payment by the insurer.

ADVISORY RULING

The Massachusetts Division of Standards (DOS), which administers motor vehicle repair shop registrations under M.G.L. c. 100A, no longer requires repair shops to employ a licensed motor vehicle damage appraiser ("licensed appraiser" or "appraiser") as a condition of registration.

This change does not relieve any obligations under the Auto Damage Appraiser Licensing Board's regulation, 212 CMR 2.00 et seq., applicable to licensed appraisers, insurers, employers of appraisers (including insurers and repair shops), or registered repair shops.

Any repair shop or insurer representing an appraisal as having been prepared by a licensed appraiser, without that appraiser's direct preparation and negotiation, constitutes noncompliant activity subject to enforcement for unlicensed appraisal conduct or misrepresentation of appraiser employment.

For purposes of 212 CMR 2.04(1)(b), the Board interprets "employment" to include a repair shop retaining or engaging a licensed appraiser as a subcontractor, provided the appraiser is directly responsible for preparing and negotiating the appraisal.

In relevant part 212 CMR 2.01, defines and appraisal as:

A written motor vehicle damage report as defined in M.G.L. c. 26, § 8G...

This definition includes appraisal activity connected to insurer-involved appraisal functions governed by 212 CMR 2.00. This definition applies to all appraisal-related activities governed under 212 CMR 2.04.

In addition, 212 CMR 2.04(1)(b) provides:

All repair shops shall maintain one or more licensed appraisers in their employment for the purpose of preparing motor vehicle damage appraisals.

Accordingly, 212 CMR 2.02(7) and 2.04 remain fully enforceable notwithstanding DOS registration practices.

Any repair shop preparing appraisals, supplemental appraisals, expedited supplemental requests, or other insurance-related appraisal activity under 212 CMR 2.04 must comply with 212 CMR 2.04(1)(b), including maintaining licensed appraisers in its employment or retained capacity as described above.

Licensed and independent appraisers shall not knowingly negotiate repairs with unlicensed individuals or unregistered repair shops.

This Advisory Ruling reaffirms the continued applicability of 212 CMR 2.00 and clarifies the responsibilities of appraisers, insurers, and registered repair shops.

This Advisory Ruling shall be effective upon its posting on the ADALB public website. Failure to comply may result in fines and penalties as provided by law.

On behalf of the ADALB,

Authorized