

The House Committee on Motor Vehicles offers the following substitute to HB 239:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 34 of Title 33 of the Official Code of Georgia Annotated, relating to
2 motor vehicle accident reparations, so as to provide for claims processing of repairs under
3 motor vehicle liability insurance policies; to provide for certain disclosures; to provide for
4 private causes of action; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 34 of Title 33 of the Official Code of Georgia Annotated, relating to motor vehicle
9 accident reparations, is amended by revising Code Section 33-34-6, relating to selection of
10 motor vehicle repair facility, as follows:

11 "33-34-6.

12 (a) ~~Subject to the provisions of subsection (b) of this Code section, no insurer shall~~
13 ~~represent to a person making a claim under a motor vehicle insurance policy that the use~~
14 ~~of or the failure to use a particular repair facility or particular repair facilities may result~~
15 ~~in the nonpayment of a claim~~ All policies of motor vehicle liability insurance issued in this
16 state shall allow a claimant under such policy to select the repair facility to provide repairs

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17 covered under such policy. An insurer shall disclose when such insurer has a financial
18 interest in a repair facility. No insurer shall represent that the use of or failure to use a
19 repair facility may affect payments or repairs.

20 ~~(b) No insurer shall require a person making a claim under a motor vehicle insurance~~
21 ~~policy to use a particular repair facility or particular repair facilities in order to settle a~~
22 ~~claim if the person making the claim can obtain the repair work on the motor vehicle at the~~
23 ~~same cost from another source~~ An insurer providing coverage under a motor vehicle
24 liability insurance policy issued in this state shall, within three business days of receipt of
25 any claim of supplemental damage, complete an inspection of the damaged motor vehicle
26 in person or review the claim and provide a written response and, within ten business days,
27 provide a written decision indicating the line items, parts, or operations that are approved,
28 denied, or altered.

29 (c) Any claimant aggrieved by a violation of the provisions of this Code section shall have
30 a private cause of action for injunctive relief, treble damages, and any other relief available
31 under law."

32 **SECTION 2.**

33 All laws and parts of laws in conflict with this Act are repealed.