

HB 310 - AS INTRODUCED

2021 SESSION

21-0436

11/08

HOUSE BILL **310**

AN ACT relative to vehicle repairs.

SPONSORS: Rep. Weyler, Rock. 13; Rep. Steven Smith, Sull. 11; Rep. Stapleton, Sull. 5

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill establishes a rebuttable presumption that manufacturer recommendations for scans and calibrations are necessary for vehicle safety and for restoration of a vehicle to its pre-loss condition, and makes it an unfair insurance practice for an insurance company, agent, or adjuster to knowingly fail to pay a claim to the claimant or repairer to the extent the claimant's vehicle is repaired in conformance with applicable manufacturer's recommendations or specifications.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to vehicle repairs.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Unfair Insurance Practices; Vehicle Repair Standards. Amend RSA 417:4 by
2 inserting after paragraph XXIII the following new paragraph:

3 XXIV. Vehicle Scans, Calibrations, and Painting.

4 (a) There shall be a rebuttable presumption that manufacturer recommendations for
5 scans and calibrations are necessary for vehicle safety and for restoration of a vehicle to its pre-loss
6 condition. No insurance company, agent, or adjuster shall knowingly fail to pay a claim to the
7 claimant unless such presumption has been rebutted by evidence that the scan and calibration are
8 not necessary for vehicle safety and to restore a vehicle to its pre-loss condition.

9 (b) If the vehicle is equipped with an advanced driver assistance system, an automotive
10 glass company, repair facility, or insurer informing, approving, or conducting glass repair or
11 replacement shall:

12 (1) Prior to approving or performing glass repair or replacement, inform the
13 consumer if a calibration of that system is required and if such calibration will be performed;

14 (2) If performing such calibration, meet or exceed the manufacturer's
15 recommendations or specifications; and

16 (3) If a calibration was not performed or not completed successfully, inform the
17 consumer that the vehicle should be taken to a vehicle manufacturer's certified dealership, a
18 qualified automobile glass company, repair facility, or other qualified repairer capable of performing
19 the calibration of an advanced driver assistance system that meets or exceeds the manufacturer's
20 recommendations or specifications.

21 (c) If the vehicle is equipped with an advanced driver assistance system, an automotive
22 glass company, repair facility, or insurer informing, approving, or conducting a scan or calibration
23 for motor vehicle repairs or replacement:

24 (1) Shall not be limited to tooling or equipment dictated or recommended by the
25 manufacturer's recommendations for scans and calibrations.

26 (2) Shall calibrate an advanced driver assistance system meeting or exceeding the
27 manufacturer's recommendations for scans and calibrations.

28 (d) If a repairer does not accept a paint and materials estimate proposed by an insurer,
29 there shall be a rebuttable presumption that estimates based upon independent third party paint
30 and material guidelines used by the repairer are necessary to restore a vehicle to its pre-loss
31 condition. No insurance company, agent, or adjuster shall knowingly fail to pay a claim to the

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1 claimant unless this presumption has been rebutted by evidence that the paint and material
2 estimate is not necessary to restore a vehicle to its pre-loss condition.

3 (e) In this paragraph, “manufacturer's recommendations for scans and calibrations”
4 means a manufacturer's written procedures, specifications, tolerances, and other technical
5 requirements or instructions with respect to scans and calibrations.

6 2 Effective Date. This act shall take effect 60 days after its passage.