

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative McGee**

# A Bill

**HOUSE BILL 1697**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 23, CHAPTER 66,  
9 SUBCHAPTER 3 TO ADD A NEW SECTION TO PROHIBIT INSURERS  
10 FROM REQUIRING A DAMAGED MOTOR VEHICLE TO BE REPAIRED BY A  
11 PARTICULAR CONTRACTOR OR MOTOR VEHICLE REPAIR SHOP; AND  
12 FOR OTHER PURPOSES."

## Subtitle

14 "TO PROHIBIT INSURERS FROM REQUIRING A DAMAGED MOTOR  
15 VEHICLE TO BE REPAIRED BY A PARTICULAR CONTRACTOR."  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code Title 23, Chapter 66, Subchapter 3 is amended  
21 to add a new section to read as follows:

22 "23-66-317. (a) No insurer shall require, as a condition of payment of  
23 a claim, that repairs to a damaged motor vehicle be made by a particular  
24 contractor or motor vehicle repair shop.

25 (b) Any recommendation made by an insurer regarding the selection of a  
26 contractor or motor vehicle repair shop to make repairs to a damaged motor  
27 vehicle shall include a statement that the owner of the motor vehicle has the  
28 right to choose a contractor or motor vehicle repair shop.

29 *The statement shall also inform the owner that if the owner selects a*  
30 *different contractor or motor vehicle repair shop, the owner shall be*  
31 *responsible for any costs that exceed the amount allowed for repairs at the*  
32 *recommended contractors or motor vehicle repair shops."*

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34 SECTION 2. The provisions of this act shall apply to insurance policies  
35 issued or renewed on or after the effective date of this act.

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SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

*/s/Rep. McGee*

