

~~(B) TO DETERMINE THE FAIR MARKET VALUE OF A MOTOR VEHICLE THAT IS TOTALLY DESTROYED IN A MOTOR VEHICLE ACCIDENT, AN INSURER THAT ISSUES OR DELIVERS A POLICY OF MOTOR VEHICLE LIABILITY INSURANCE IN THE STATE SHALL USE THE VALUE OF THE MOTOR VEHICLE THAT IS IN EFFECT ON THE RELEVANT DATE AS SET FORTH IN THE NADA USED CAR GUIDE.~~

~~(C) THE DETERMINATION OF FAIR MARKET VALUE UNDER SUBSECTION (B) OF THIS SECTION IS SUBJECT TO ADJUSTMENT UP OR DOWN BASED ON:~~

~~(1) THE CONDITION AND MILEAGE OF THE MOTOR VEHICLE ON THE RELEVANT DATE IN ACCORDANCE WITH THE GUIDELINES CONTAINED IN THE NADA USED CAR GUIDE; AND~~

~~(2) ANY OTHER CREDIBLE EVIDENCE OFFERED BY THE INSURER OR INSURED TO DEMONSTRATE THAT THE VALUE SET FORTH IN THE NADA USED CAR GUIDE FAILS TO REFLECT:~~

~~(i) THE ACTUAL CONDITION OF THE MOTOR VEHICLE; OR~~

~~(ii) THE ACTUAL CASH PRICE OF MOTOR VEHICLES IN THE SAME GENERAL CONDITION IN THE LOCAL MARKET AREA.~~

~~(D) THE DETERMINATION OF FAIR MARKET VALUE ALSO SHALL TAKE INTO CONSIDERATION THE REASONABLE COST OF REPAIRS NECESSARY TO MEET MINIMUM STATE SAFETY AND EMISSION STANDARDS AND OTHER CUSTOMARY AND REASONABLE CONDITION STANDARDS CONTAINED IN THE NADA USED CAR GUIDE.~~

27-304.1.

THE COMMISSIONER SHALL ADOPT REGULATIONS THAT ESTABLISH STANDARDS AND PROCEDURES FOR:

(1) THE SETTLEMENT OF CLAIMS INVOLVING THE TOTAL LOSS OF A PRIVATE PASSENGER MOTOR VEHICLE; AND

(2) THE DETERMINATION OF THE PRIVATE PASSENGER MOTOR VEHICLE'S TOTAL LOSS VALUE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003.

Approved May 22, 2003.

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**CHAPTER 440**

**(House Bill 656)**

AN ACT concerning

**Health Maintenance Organizations - Definition of Covered Service**

FOR the purpose of providing that a service covered by a health maintenance