

HOUSE No. 4538

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act RELATING TO CONSUMER PROTECTION IN MOTOR VEHICLE GLASS SERVICE..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 100A is hereby amended by adding the following new sections:

2 Section 11. Consumer P Protection and Disclosure regarding motor vehicle glass repair
3 services.

4 Any motor vehicle glass repair to be performed in the Commonwealth must be performed
5 by a registered motor vehicle glass repair shop, as defined in Chapter 100A. Any person,
6 including an insurer, insurance agent, third-party administrator, or a motor vehicle service
7 establishment or other party, receiving a report of or inquiry regarding motor vehicle glass
8 damage, or a request for motor vehicle glass repair services shall state that such motor vehicle
9 glass repair must be performed by a registered motor vehicle glass repair shop.

10 Section 12. Consumer Protection and Disclosure for Motor Vehicle Glass Repair covered
11 by insurance.

12 The following shall apply to any motor vehicle glass repair which is to be performed in
13 the Commonwealth and which is covered in whole or in part by motor vehicle liability insurance:

14 (1) An insurer, insurance agent, producer, adjuster or third party administrator for such
15 insurer may not:

16 (a) require any person to use a particular motor vehicle glass repair shop for such motor
17 vehicle glass repair.

18 (b) use or employ unfair or deceptive acts or practices for the purpose of inducing a
19 person to use a particular motor vehicle glass repair shop to provide motor vehicle glass repair
20 services. Such unfair or deceptive acts, include but are not limited to the following:

21 i. engaging in any act or practice designed to intimidate, threaten, or coerce any person to
22 use, or for having used, a particular motor vehicle glass repair shop;

23 ii. once an insured identifies a registered motor vehicle glass repair shop as their shop of
24 choice to provide the motor vehicle glass repair services; no appraiser or employees of an
25 independent appraisal company, insurance company or any of its employees or representatives or
26 third party biller, shall require, that such auto glass repair or replacement should not be made in
27 the specified registered repair facility or facilities;

28 iii. Once a registered motor vehicle glass repair shop has been defined as the shop to
29 provide the motor vehicle glass repair services, no insurer or third party biller shall assign or
30 dispatch the repair work, or forward any related policy, policyholder, contact or repair
31 scheduling information, to a different motor vehicle glass repair shop without the knowledge and
32 consent of the insured;

33 iv. No appraiser or employees of an independent appraisal company, insurance company
34 or any of its employees or representatives may use coercion or intimidation to cause appraisals or
35 repairs to be made or not made, in any specified glass repair facility or facilities, unless
36 otherwise permitted by this section. An insured, at any point in time, may elect to change their
37 choice of glass repair or replacement facility.

38 (c) negotiate with a motor vehicle glass repair shop to provide auto glass service if such
39 repair shop is not a duly registered and licensed repair shop in the Commonwealth of
40 Massachusetts with the Division of Standards

41 (2) Provided it is consistent with the foregoing, nothing herein prohibits an insurer either
42 directly or through its agents, producers, adjusters or third party administrator, from providing,
43 directly or through other means, including electronic transmissions, information to assist in
44 selecting a motor vehicle glass repair shop or scheduling such motor vehicle glass repair shop to
45 perform the motor vehicle glass repair services.

46 Section 13. Enforcement.

47 (a) Any violations of Section 11 will be enforced by the Division of Standards in
48 accordance with Section 100A.

49 (b) Any violations of Section 12 shall constitute a violation of Chapter 176D of the
50 General Laws and shall be enforced by the commissioner.

51 (c) The commissioner of the division of insurance shall promulgate rules and
52 regulations for the administration and enforcement of Section 11, 12 and 13 of this section no
53 later than 180 after the passage of this act. An insurance company, third party biller, agent,

54 producer, third party biller or adjuster for such insurance company violating this section shall be
55 punishable by a fine of not less than \$1,000.00 nor more than \$5,000.00 for each incident. The
56 fine shall be collected by the Division of Insurance and deposited in a retained revenue account
57 to be used by the division to carry out the enforcement of this act. Furthermore, the division of
58 insurance shall create and make available forms for reporting such violation of this section no
59 later than 180 days after the passage of this act.