SENATE DOCKET, NO. 862 FILED ON: 1/20/2011

SENATE . . . . . No. 402

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Baddour

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relating to consumer protection in motor vehicle glass service..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven A. Baddour	

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SENATE . . . . . No. 402

By Mr. Baddour, a petition (accompanied by bill, Senate, No. 402) of Steven A. Baddour for legislation relative to consumer protection in motor vehicle glass service. Financial Services.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

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

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

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

Section 12. Consumer Protection and Disclosure for Motor Vehicle Glass Repair covered 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 or not use a particular motor vehicle glass repair shop
17 for such motor vehicle glass repair.

18 (b) Coerce a person to use or not use a particular motor vehicle glass repair shop to
19 provide motor vehicle glass repair services, by employing misleading or deceptive information
20 or acts, including but not limited to the following:

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

23 ii. Once a registered motor vehicle glass repair shop has been defined as the shop
24 to provide the motor vehicle glass repair services, no insurer or third party biller shall assign or
25 dispatch the repair work, or forward any related policy, policyholder, contact or repair
26 scheduling information, to a different motor vehicle glass repair shop without the knowledge and
27 consent of the insured;

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

31 (2) Provided it is consistent with the foregoing, nothing herein prohibits an insurer either
32 directly or through its agents, producers, adjusters or third party administrator, from providing,

33 directly or through other means, including electronic transmissions, information to assist in
34 selecting a motor vehicle glass repair shop or scheduling such motor vehicle glass repair shop to
35 perform the motor vehicle glass repair services.

36 Section 13. Enforcement.

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

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

41 (c) The commissioner of the division of insurance shall promulgate rules and regulations
42 for the administration and enforcement of Section 11, 12 and 13 of this section no later than 180
43 after the passage of this act. An insurance company, third party biller, agent, producer, third
44 party biller or adjuster for such insurance company violating this section shall be punishable by a
45 fine of not less than $1,000.00 nor more than $5,000.00 for each incident. The fine shall be
46 collected by the Division of Insurance and deposited in a retained revenue account to be used by
47 the division to carry out the enforcement of this act. Furthermore, the division of insurance shall
48 create and make available forms for reporting such violation of this section no later than 180
49 days after the passage of this act.