

SENATE No. 82

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 relative to motor vehicle glass repair shop registration.

PETITION OF:

NAME:

Steven A. Baddour

DISTRICT/ADDRESS:

SENATE No. 82

By Mr. Baddour, a petition (accompanied by bill, Senate, No. 82) of Steven A. Baddour for legislation to register motor vehicle repair shops. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to motor vehicle glass repair shop registration.

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. Section 1 of Chapter 100A is hereby amended by striking section one and
2 inserting in place the following : -

3 Section 1. As used in this chapter, the following words, unless the context clearly
4 requires otherwise, shall have the following meanings:

5 “Deputy director”, the deputy director of standards in the office of consumer affairs and
6 business regulation.

7 “Registered motor vehicle repair shop”, a motor vehicle repair shop which has a current
8 valid certificate of registration for motor vehicle repair issued hereunder.

9 “Registered motor vehicle glass repair shop”, a motor vehicle glass repair shop which has
10 a current valid certificate of registration for motor vehicle glass repair issued hereunder.

11 “Motor vehicle repair”, the business or act of repairing damaged motor vehicles in the
12 commonwealth for compensation, excluding motor vehicle glass repair.

13 “Motor vehicle glass repair”, the business or act of repairing or replacing damaged or
14 undamaged glass in motor vehicles in the commonwealth for compensation.

15 “Motor vehicle repair shop”, any person or entity which, for compensation, or with the
16 intention or expectation of receiving the same, repairs or undertakes to repair in the
17 commonwealth a damaged motor vehicle as defined in section thirty-four A of chapter ninety,
18 excluding motor vehicle glass repair.

19 “Motor vehicle glass repair shop”, any person or entity which, for compensation, or with
20 the intention or expectation of receiving the same, repairs or replaces or undertakes to repair or
21 replace motor vehicle glass in the commonwealth.

22 “Person”, individuals, associations, partnerships and corporations, and the officers,
23 directors and employees of a corporation.

24 “Unregistered motor vehicle repair shop”, a motor vehicle repair shop which does not
25 have a current valid certificate of registration issued hereunder, which has had its registration
26 revoked or suspended, or which has surrendered its certificate of registration hereunder.

27 “Unregistered motor vehicle glass repair shop”, a motor vehicle glass repair shop which
28 does not have a current valid certificate of registration issued hereunder, which has had its
29 registration revoked or suspended, or which has surrendered its certificate of registration
30 hereunder.

SECTION 2. Section 2 of said chapter is hereby amended by inserting after the first sentence the following –

Each location [physical place of business] maintained by a motor vehicle glass repair shop within the Commonwealth of Massachusetts shall require a certificate of registration.

SECTION 3. Section 3 of said chapter is hereby amended by inserting after the word “two” in the first sentence the following:- for motor vehicle repair shops or the requirements of section 12 for motor vehicle glass repair shops

Said section 3 of said chapter 100A, as so appearing, is hereby further amended by inserting after the words “registered motor vehicle repair shop”, in lines 17, 19 and 20 and 22 and 23, in each instance, the following words:- or registered or previously registered motor vehicle glass repair shop.

Said section is hereby further amended after subsection (d) the following new subsection (e); or (e) that the applicant for motor vehicle glass repair shop registration, any person having a financial interest, direct or indirect, in the business to be conducted by the applicant, has failed to meet the requirements of Section 14, as determined by the director.

SECTION 4. Section 6 of said chapter is hereby amended by inserting after the word “shops” in the first sentence the following:-. and registered motor vehicle glass repair shop

SECTION 5. Section 7 of said Chapter 100A is hereby further amended by adding after the word “shop” in the first sentence the following :- and registered motor vehicle glass repair shop

SECTION 6. Section 8 of said Chapter 100A is hereby further amended by adding after the word “shop” in the first sentence the following :- registered motor vehicle glass repair shop

SECTION 7. Section 9 of said chapter 100A is hereby amended by inserting after the word “shop” in the first sentence the following :- and registered motor vehicle glass repair shop

SECTION 8. Said Chapter 100A is hereby further amended by adding at the end thereof the following 6 new sections:-

Section 11. Motor vehicle glass repair shop; registration required

No person shall engage in motor vehicle glass repair unless such person is registered as a motor vehicle glass repair shop under this chapter.

Section 12. Motor vehicle glass repair shop; registration; service of process

Any person desiring to be registered as a motor vehicle glass repair shop shall make written application under oath to the deputy director on a form provided by him. Said application shall set forth the name and address of the applicant and of any other person having financial interest, direct or indirect, in the business to be conducted by the applicant, and such other information as the deputy director shall require, and shall identify at least one natural person who is in charge of the operations of the applicant. Said application shall be accompanied by a registration fee in the amount of three hundred dollars, or such other amount as the secretary of administration and finance pursuant to the provisions of section three B of chapter seven shall establish, together with two letters of recommendation for registration signed by a registered motor vehicle glass repair shop or by an elected public official or a member of the Massachusetts

Bar. Said application shall be further accompanied by a bond upon the applicant in the sum of ten thousand dollars, payable to the deputy director or his successors with sureties approved by the deputy director and conditioned on applicant's compliance with the provisions of this chapter. Said bond shall guarantee the payment of all fines and penalties incurred by applicant as a registered motor vehicle glass repair shop for his violations of the said provisions, and also guarantee the payment or satisfaction of any final judgments on claims by creditors against the registered motor vehicle glass repair shop arising in connection with business done under a certificate or registration granted under this chapter, all such payments under said bond to be limited to the amount of said bond. Such a creditor's claim however, must have been duly filed by giving written notice to the deputy director prior to the expiration of sixty days from the return, surrender of said certificate of registration or date of the filing of an affidavit of loss of the certificate of registration held by the registered motor vehicle glass repair shop against whom the claim is made.

The acceptance by an applicant of a certificate of registration issued by the deputy director to him as a registered motor vehicle glass repair shop shall be deemed equivalent to an appointment by the registrant of the deputy director, or his successors in office, to be the registrant's true and lawful attorney upon whom may be served all lawful process in any action or proceeding against him or his executor or administrator, arising out of the transaction of business by him under said certificate of registration. Any process against the registrant so served shall, if said registrant is notified as hereinafter provided, be of the same legal force and validity as if served on him personally, and the mailing by the deputy director of a copy of such process to said registrant at his last address, as appearing on the deputy director's records, shall be sufficient notice to him of such service. Service of such process shall be made by delivering

or mailing duplicate copies thereof together with a fee of two dollars to the office of the deputy director, and the deputy director shall forthwith send one of said copies by mail, postage prepaid, addressed to the defendant registrant named in such process at his last address as appearing on the deputy director's records.

An affidavit of the deputy director, or of any person authorized by him to send such copy, that such copy has been mailed shall be prima facie evidence thereof. One of the duplicates of such process, certified by the deputy director as having been delivered to the office of the deputy director shall be sufficient evidence of service upon him as attorney for the registrant named as defendant in the process.

Section 13. Motor Vehicle Glass Repair Shop; Bond, letter of credit

Section 2A. Notwithstanding the provisions of section twelve, the requirement of a bond may be satisfied by the submission of a letter of credit in the amount of ten thousand dollars, in a form approved by the deputy director. Said letter of credit shall accompany the written application prescribed in section twelve and the applicant shall comply with all other requirements of said section.

Section 14. Registered Motor Vehicle Glass Repair Shop; application process; shop application and operational requirements

Any person seeking to apply for registration or renewal as a registered motor vehicle glass repair shop in the Commonwealth will meet the following requirements:

(a) A registered motor vehicle glass repair shop must have a physical place of business within the Commonwealth at which it has indoor facilities to perform motor vehicle glass repair services, or from which it would lawfully dispatch mobile service vans.

(b) Any registered motor vehicle glass repair shop mobile service van must be a commercial vehicle properly registered and insured in the Commonwealth.

(c) A registered motor vehicle glass repair shop shall possess and maintain in working order the equipment necessary to provide motor vehicle windshield glass stone chip repair

(e) A registered motor vehicle glass repair shop that provides motor vehicle replacement services shall possess and maintain the equipment necessary to perform motor vehicle glass replacement services,

(f) An applicant must provide proof in writing from a licensed insurance company registered in the Commonwealth of the motor vehicle glass repair shop's workers' compensation insurance and liability insurance.

(g) Any motor vehicle glass repair shop applying for a certificate of registration under the current chapter is required to have all local, state, and federal licenses and permits including a state sales tax identification number, and a federal tax identification number.

(h) A motor vehicle glass repair shop shall maintain records for each motor vehicle upon which motor vehicle glass repair services have been performed, showing the usage of all glass parts, major accessory parts including moldings and major hardware component parts, and the adhesive system used in the motor vehicle glass repair. Such adhesive system record shall

include the brand, product number or name, lot and batch numbers for the product used, and shall be maintained for as long as the vehicle is known to be in operation.

(i) An applicant will provide evidence of its record keeping system as defined by the Division of Standards. Unless noted otherwise herein, records must be kept of all parts used during at least the preceding eighteen months.

(j) A registered motor vehicle glass repair shop may not subcontract or sublet motor vehicle glass repair services to another person or entity not in their employ, unless such person or entity is also a duly registered motor vehicle glass repair shop.

Section 15. Registered Motor Vehicle Glass Repair Shop; consumer disclosure

(a) Upon request, a registered motor vehicle glass repair shop shall disclose to the consumer all information relating to the charges for repair or replacement services, including, the amount of the charges, the identification and line item charges for the parts provided, and verification of parts used, regardless of whether the amount is paid by the consumer or billed to their Insurance Company.

(b) A motor vehicle glass repair shop must advise the consumer of post-repair practices that may be necessary to insure safe operation of the vehicle

Section 16; Registration revocation; right to motor vehicle glass shop inspection

The division of standards shall have the right to inspect the premises of any applicant or registered motor vehicle glass repair shop, for the purpose of ascertaining compliance with the requirements of section 14 and section 15. Failure to comply with any of the requirements will result in rejection of the application, or, if already registered, the forfeiture of motor vehicle glass

155 shop registration until such time as the division re-inspects the facility and determines the shop is
156 in compliance.