

HOUSE No. 02046

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Conroy

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 passage of the accompanying bill:

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

PETITION OF:

NAME:

Thomas P. Conroy

DISTRICT/ADDRESS:

13th Middlesex

HOUSE No. 02046

By Mr. Conroy of Wayland, a petition (accompanied by bill, House, No. 2046) of Conroy relative to consumer protection in motor vehicle glass service Joint Committee on Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 4538 OF 2009-2010.]

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:

- 1 SECTION 1. Chapter 100A is hereby amended by adding the following new sections:
- 2 Section 11. Consumer Protection and Disclosure regarding motor vehicle glass repair services.
- 3 Any motor vehicle glass repair to be performed in the Commonwealth must be performed by a
- 4 registered motor vehicle glass repair shop, as defined in Chapter 100A. Any person, including
- 5 an insurer, insurance agent, third-party administrator, or a motor vehicle service establishment or
- 6 other party, receiving a report of or inquiry regarding motor vehicle glass damage, or a request
- 7 for motor vehicle glass repair services shall state that such motor vehicle glass repair must be
- 8 performed by a registered motor vehicle glass repair shop.

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

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

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

15 (a) require any person to use or not use a particular motor vehicle glass repair shop for such
16 motor vehicle glass repair.

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

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

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

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

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

35 Section 13. Enforcement.

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

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

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