

**HOUSE . . . . . No. 02077**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Joyce A. Spiliotis*

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*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 relative to motor vehicle glass repair shop registration.

\_\_\_\_\_  
PETITION OF:

NAME:

DISTRICT/ADDRESS:

.....  
*Joyce A. Spiliotis*

.....  
*12th Essex*

.....  
*James J. Dwyer*

.....  
*30th Middlesex*

# HOUSE . . . . . No. 02077

By Ms. Spiliotis of Peabody, a petition (accompanied by bill, House, No. 2077) of Dwyer and Spiliotis for legislation to prohibit insurance companies from designating motor vehicle glass repair shops and require the registration of said shops Joint Committee on Financial Services.

## 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. Chapter 100A of the General Laws is hereby amended by striking out  
2 section 1, as appearing in the 2008 Official Edition, and inserting in place thereof the following  
3 section:-

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

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

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

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

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

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

16 “Motor vehicle repair shop”, a person or entity which, for compensation, or with the intention or  
17 expectation of receiving the same, repairs or undertakes to repair in the commonwealth a  
18 damaged motor vehicle as defined in section 34A of chapter 90, excluding motor vehicle glass  
19 repair.

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

23 “Person”, an individual, association, partnership or corporation, and the officers, directors and  
24 employees of a corporation.

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

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

31 SECTION 2. Section 2 of said chapter 100A, as so appearing, is hereby amended by  
32 inserting after the words “motor vehicle repair”, in line 1, the following words:- or motor vehicle  
33 glass repair.

34 SECTION 3. Said section 2 of said chapter 100A, as so appearing, is hereby further  
35 amended by inserting after the words “motor vehicle repair shop”, in lines 2 and 3, in each  
36 instance, the following words:- or motor vehicle glass repair shop.

37 SECTION 4. Said section 2 of said chapter 100A, as so appearing, is hereby further  
38 amended by inserting after the words “registered motor vehicle repair shop”, in lines 14 and 15,  
39 21, 23 and 24, 30 and 31 and 33, in each instance, the following words:- or registered motor  
40 vehicle glass repair shop.

41 SECTION 5. Section 3 of said chapter 100A, as so appearing, is hereby amended by  
42 inserting after the words “motor vehicle repair”, in line 14, the following words:- or motor  
43 vehicle glass repair.

44 SECTION 6. Said section 3 of said chapter 100A, as so appearing, is hereby further  
45 amended by inserting after the words “registered motor vehicle repair shop”, in lines 17, 19 and  
46 20 and 22 and 23, in each instance, the following words:- or registered or previously registered  
47 motor vehicle glass repair shop.

48 SECTION 7. Section 4 of said chapter 100A, as so appearing, is hereby amended by  
49 inserting after the word “control”, in line 8, the following words:- and a registered motor vehicle  
50 glass repair shop may employ unregistered individuals to repair or replace motor vehicle glass  
51 under the registrant’s immediate direction and control.

52 SECTION 8. Section 6 of said chapter 100A, as so appearing, is hereby amended by  
53 inserting after the words “motor vehicle repair shops”, in line 4, the following words:- and motor  
54 vehicle glass repair shops.

55 SECTION 9. Section 7 of said chapter 100A, as so appearing, is hereby amended by  
56 inserting after the words “registered motor vehicle repair shop”, in line 1, the following words:-  
57 and registered motor vehicle glass repair shop.

58 SECTION 10. Said section 7 of said chapter 100A, as so appearing, is hereby further  
59 amended by inserting after the words “unregistered motor vehicle repair shop”, in line 3, the  
60 following words:- or unregistered motor vehicle glass repair shop.

61 SECTION 11. Said section 7 of said chapter 100A, as so appearing, is hereby further  
62 amended by inserting after the words “registered motor vehicle repair shop”, in line 6, the  
63 following words:- or a registered motor vehicle glass repair shop unless so registered.

64 SECTION 12. Section 8 of said chapter 100A, as so appearing, is hereby amended by  
65 inserting after the words “registered motor vehicle repair shop”, in line 1, the following words:-  
66 or registered motor vehicle glass repair shop.

67 SECTION 13. Said section 8 of said chapter 100A, as so appearing, is hereby further  
68 amended by inserting after the words “motor vehicle repair”, in line 2, the following words:- or  
69 motor vehicle glass repair.

70 SECTION 14. Section 9 of said chapter 100A, as so appearing, is hereby amended by  
71 inserting after the words “registered motor vehicle repair shop”, in line 1, the following words:-  
72 and registered motor vehicle glass repair shop.

73 SECTION 15. Said section 9 said chapter 100A, as so appearing, is hereby further  
74 amended by adding following subsection:-

75 (d) A registered motor vehicle glass repair shop shall maintain records for each motor vehicle  
76 upon which motor vehicle glass repair services have been performed, showing the usage of all  
77 glass parts, major accessory parts including moldings and major hardware component parts and  
78 the adhesive system used in the motor vehicle glass repair, including the brand, product number  
79 or name and lot and batch numbers for the adhesive system product used. Records shall be  
80 maintained for 18 months or as long as a warranty on the motor vehicle glass repair service  
81 performed is in effect, whichever is longer.

82 SECTION 16. Said chapter 100A is hereby further amended by adding the following 4  
83 sections:-

84 Section 11. A person applying for registration or renewal as a registered motor vehicle glass  
85 repair shop in the commonwealth shall meet the following requirements:

86 (a) a registered motor vehicle glass repair shop shall maintain a physical place of business within  
87 the commonwealth at which it has indoor facilities to perform motor vehicle glass repair services  
88 or from which it may lawfully dispatch mobile service vans;

89 (b) a registered motor vehicle glass repair shop mobile service van shall be a commercial vehicle  
90 properly registered and insured in the commonwealth;

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

93 (d) a registered motor vehicle glass repair shop that provides motor vehicle glass replacement  
94 services shall possess and maintain the equipment necessary to perform motor vehicle glass  
95 replacement services;

96 (e) a motor vehicle glass repair shop shall obtain all required local, state and federal licenses and  
97 permits including a state sales tax identification number and a federal tax identification number;  
98 and

99 (f) a registered motor vehicle glass repair shop shall not subcontract or sublet motor vehicle glass  
100 repair services to another person or entity not in its employ, unless such person or entity is also a  
101 duly registered motor vehicle glass repair shop.

102 Section 12. (a) Upon request, a registered motor vehicle glass repair shop shall disclose to the  
103 consumer all information relating to the charges for repair or replacement services, including the  
104 amount of the charges, the identification and line item charges for the parts provided and  
105 verification of parts used, regardless of whether the amount is paid by the consumer or billed to  
106 the insurance company thereof.

107 (b) A motor vehicle glass repair shop shall advise the consumer of post-repair practices  
108 that may be necessary to insure safe operation of the consumer's vehicle.

109 Section 13. The division of standards shall have the right to inspect the premises of an  
110 applicant for a motor vehicle glass repair shop registration or of a registered motor vehicle glass  
111 repair shop for the purpose of ascertaining compliance with the requirements of this chapter.  
112 Failure to comply with any of the requirements shall result in denial of an application or, if  
113 already registered, the suspension of a motor vehicle glass shop registration until such time as the  
114 division re-inspects the facility and determines the shop is in compliance.

115 Section 14. Any motor vehicle glass repair to be performed in the commonwealth shall be  
116 performed by a registered motor vehicle glass repair shop. A person, including an insurer,  
117 insurance agent, third-party administrator or a motor vehicle service establishment or other party  
118 receiving a report of, or an inquiry regarding, motor vehicle glass damage or a request for motor  
119 vehicle glass repair services shall inform the person making such report or inquiry that, under  
120 Massachusetts law, such motor vehicle glass repair must be performed by a motor vehicle glass  
121 repair shop registered in accordance with Massachusetts law.

122 SECTION 17. Chapter 175 of the General Laws is hereby amended inserting after section  
123 113W the following section:-

124 Section 113X. (a) This section shall apply to any motor vehicle glass repair or replacement  
125 which is to be performed in the commonwealth and which is covered in whole or in part by  
126 motor vehicle liability insurance.

127 (b) An insurer, insurance producer, adjuster or third party administrator for such insurer shall  
128 not:

129 (i) require a person to use a particular registered motor vehicle glass repair shop for such motor  
130 vehicle glass repair or replacement;

131 (ii) use or employ unfair or deceptive acts or practices for the purpose of inducing a person to use  
132 a particular registered motor vehicle glass repair shop to provide motor vehicle glass repair  
133 services, including, but not limited to, engaging in an act or practice designed to intimidate,  
134 threaten or coerce a person to use, or for having used, a particular registered motor vehicle glass  
135 repair shop; or

136 (iii) negotiate with a motor vehicle glass repair shop to provide motor vehicle glass repair if such  
137 shop is not a duly registered and licensed repair shop in the commonwealth.

138 (c) If an insured selects a particular registered motor vehicle glass repair shop to provide motor  
139 vehicle glass repair services, no appraiser or employee of an independent appraisal company, no  
140 insurance company or employee thereof and no representative or third party biller shall require  
141 that such motor vehicle glass repair be made at a different registered motor vehicle glass repair  
142 shop.

143 (d) Once a registered motor vehicle glass repair shop has been selected to provide motor vehicle  
144 glass repair services, an insurer or third party biller shall not assign or dispatch the repair work or  
145 forward a related policy or policyholder's contact or repair scheduling information to a different  
146 registered motor vehicle glass repair shop without the knowledge and consent of the insured.

147 (e) An insured may at any point in time elect to change their choice of registered motor vehicle  
148 glass repair shop.

149 (f) An insurer may, either directly or through its producers, adjusters or third party administrator,  
150 provide directly or through other means, including electronic transmissions, information to assist  
151 in selecting a motor vehicle glass repair shop or scheduling such motor vehicle glass repair shop  
152 to perform motor vehicle glass repair.

153 (g) Whenever it appears to the commissioner that an insurance company, producer, third party  
154 biller or adjuster for such insurance company has violated this section the commissioner may,  
155 after providing notice and an opportunity to be heard, order that the violator pay a civil  
156 assessment of not less than \$1,000 nor more than \$5,000 for each violation. The fine shall be

157 collected by the division of insurance and deposited in a retained revenue account to be used by  
158 the division to carry out the enforcement of this section.

159 SECTION 18. Section 3 of chapter 176D of the General Laws is hereby amended by  
160 striking out subsection (12), as so appearing, and inserting in place thereof the following  
161 subsection:-

162 (12) Any violation of sections 2B, 95, 113X, 181 to 183, inclusive, 187B to 187D, inclusive,  
163 189, 193E or 193K of chapter 175.

164 SECTION 19. Notwithstanding any general or special law to the contrary, a registered  
165 motor vehicle repair shop, as defined in section 1 of chapter 100A of the General Laws,  
166 performing motor vehicle glass repair on the effective date of this act shall not be required to  
167 register as a motor vehicle glass repair shop until its motor vehicle repair shop registration in  
168 effect on said effect date has expired.

169 SECTION 20. Notwithstanding any general or special law to the contrary, a registered  
170 motor vehicle repair shop, as defined in section 1 of chapter 100A of the General Laws,  
171 performing motor vehicle glass repair on the effective date of this act shall not be required to  
172 register with the division of standards as both a registered motor vehicle repair shop and a  
173 registered motor vehicle glass repair shop.

174 SECTION 21. The commissioner of the division of insurance shall adopt rules and  
175 regulations for the administration and enforcement of section 113X of chapter 175 of the General  
176 Laws.