

HOUSE No. 884

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

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 by a
5 registered motor vehicle glass repair shop, as defined in Chapter 100A. Any person, including
6 an insurer, insurance agent, third-party administrator, or a motor vehicle service establishment or
7 other party, receiving a report of or inquiry regarding motor vehicle glass damage, or a request
8 for motor vehicle glass repair services shall state that such motor vehicle glass repair must be
9 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 the
13 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 insurer
15 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 person to
19 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
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 to
24 provide the motor vehicle glass repair services; assigning or dispatching the repair
25 work, or forwarding any related policy, policyholder, contact or repair scheduling
26 information, to a different motor vehicle glass repair shop without the knowledge or
27 consent of the insured;

28 (c) negotiate with a motor vehicle glass repair shop to provide auto glass service if such
29 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.