

**HOUSE . . . . . No. 4538**

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*The Commonwealth of Massachusetts*

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By Mr. Koutoujian of Waltham, for the committee on Fianancial Services, on House, No. 884, a Bill relating to consumer protection in motor vehicle glass service (House, No. 4538).  
March 2, 2010.

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FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
Peter J. Koutoujian	10th Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

## 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 an insured identifies a registered motor vehicle glass repair shop as their shop  
24 of choice to provide the motor vehicle glass repair services; no appraiser or  
25 employees of an independent appraisal company, insurance company or any of its  
26 employees or representatives or third party biller, shall require, that such auto glass  
27 repair or replacement should not be made in the specified registered repair facility or  
28 facilities;

29 *iii.* Once a registered motor vehicle glass repair shop has been defined as the shop to  
30 provide the motor vehicle glass repair services, no insurer or third party biller shall  
31 assign or dispatch the repair work, or forward any related policy, policyholder,  
32 contact or repair scheduling information, to a different motor vehicle glass repair  
33 shop without the knowledge and consent of the insured;

34 *iv.* No appraiser or employees of an independent appraisal company, insurance  
35 company or any of its employees or representatives may use coercion or intimidation  
36 to cause appraisals or repairs to be made or not made, in any specified glass repair  
37 facility or facilities, unless otherwise permitted by this section. An insured, at any  
38 point in time, may elect to change their choice of glass repair or replacement facility.

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

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

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

47 Section 13. **Enforcement.**

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

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

52 (c) The commissioner of the division of insurance shall promulgate rules and  
53 regulations for the administration and enforcement of Section 11, 12 and 13 of  
54 this section no later than 180 after the passage of this act. An insurance company,  
55 third party biller, agent, producer, third party biller or adjuster for such insurance  
56 company violating this section shall be punishable by a fine of not less than  
57 \$1,000.00 nor more than \$5,000.00 for each incident. The fine shall be collected  
58 by the Division of Insurance and deposited in a retained revenue account to be  
59 used by the division to carry out the enforcement of this act. Furthermore, the  
60 division of insurance shall create and make available forms for reporting such  
61 violation of this section no later than 180 days after the passage of this act.