



General Assembly

January Session, 2011

Committee Bill No. 5283

LCO No. 4343

04343HB05283INS

Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

AN ACT CONCERNING AUTOMOTIVE GLASS WORK AND REPAIRS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-354 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) No automobile physical damage appraiser shall require that
4 appraisals or repairs should or should not be made in a specified
5 facility or repair shop or shops.

6 (b) No insurance company doing business in this state, or agent or
7 adjuster for such company shall: [(1) require]

8 (1) Require any insured to use a specific person for the provision of
9 automobile physical damage repairs, automobile glass replacement,
10 automobile glass repair service or automobile glass products; [, or (2)
11 state]

12 (2) Refer or route any insured directly or indirectly to a third-party
13 adjuster or third-party claims administrator for claims or questions
14 regarding automobile physical damage repairs, automobile glass

15 replacement, automobile glass repair service or automobile glass
16 products, without requiring the insured to contact directly the
17 insured's insurance company first by telephone, facsimile or electronic
18 means. Such company shall inform such insured that the insured has
19 the right to choose the licensed repair shop or facility where (A) the
20 damage to the insured's motor vehicle will be repaired, or (B) the
21 automobile glass will be repaired or replaced, as applicable;

22 (3) (A) Guarantee or warranty the repair or replacement work
23 performed by a licensed repair shop or facility for automobile physical
24 damage repairs, automobile glass replacement, automobile glass repair
25 service or automobile glass products, or (B) impose a monetary
26 advantage or penalty for such repair or replacement work that could
27 affect an insured's choice of a repair shop or facility, including, but not
28 limited to, lowering or waiving the insured's deductible under the
29 insured's policy; or

30 (4) State that choosing a facility other than a motor vehicle repair
31 shop participating in a motor vehicle repair program established by
32 such company will result in delays in repairing the motor vehicle or a
33 lack of guarantee for repair work.

34 (c) Any appraisal or estimate for a motor vehicle physical damage
35 claim written on behalf of an insurer shall include the following notice,
36 printed in not less than ten-point boldface type:

37 NOTICE:

38 YOU HAVE THE RIGHT TO CHOOSE THE LICENSED REPAIR
39 SHOP WHERE THE DAMAGE TO YOUR MOTOR VEHICLE WILL
40 BE REPAIRED.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	38a-354

Statement of Purpose:

To (a) prohibit insurance companies from (1) referring or routing its insureds to third-party adjusters or third-party claims administrators for certain automobile repairs or replacements without directly contacting the insurance company first, and (2) guaranteeing or warranting such repairs or replacements or imposing monetary advantages or penalties that could affect an insured's choice of a repair shop or facility, and (b) to require disclosure of the insured's right to choose where automobile repair or replacement work will be performed.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. MEGNA, 97th Dist.

H.B. 5283