

HOUSE DOCKET, NO. 95080 FILED ON: 11/18/2010

HOUSE No. 5080

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 18, 2010.

The committee on Ways and Means to whom were referred the Bill relative to motor vehicle glass repair shop registration (House, No. 883) and the Bill relating to consumer protection in motor vehicle glass service (House, No. 4538) reports recommending that the accompanying bill (House, No. 5080) ought to pass.

For the committee,

CHARLES A. MURPHY

The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

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:

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

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

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

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

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

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

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

17 “Motor vehicle repair shop”, a person or entity which, for compensation, or with the intention or
18 expectation of receiving the same, repairs or undertakes to repair in the commonwealth a

19 damaged motor vehicle as defined in section 34A of chapter 90, excluding motor vehicle glass
20 repair.

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

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

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

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

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

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

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

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

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

48 **SECTION 7.** Section 4 of said chapter 100A, as so appearing, is hereby amended by inserting
49 after the words “registered motor vehicle repair shop”, in lines 6 and 7, the following words:- or
50 registered motor vehicle glass repair shop.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

95 (e) A motor vehicle glass repair shop shall obtain all local, state and federal licenses and permits
96 including a state sales tax identification number and a federal tax identification number.

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

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

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

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

113 Section 14. Any motor vehicle glass repair to be performed in the commonwealth must be
114 performed by a registered motor vehicle glass repair shop. A person, including an insurer,

115 insurance agent, third-party administrator or a motor vehicle service establishment or other party
116 receiving a report of or inquiry regarding motor vehicle glass damage, or a request for motor
117 vehicle glass repair services shall state that such motor vehicle glass repair shall be performed by
118 a registered motor vehicle glass repair shop.

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

121 Section 113X. This section shall apply to any motor vehicle glass repair which is to be
122 performed in the commonwealth and which is covered in whole or in part by motor vehicle
123 liability insurance.

124 (a) An insurer, insurance agent, producer, adjuster or third party administrator for such insurer
125 shall not:

126 (i) require a person to use a particular registered motor vehicle glass repair shop for such motor
127 vehicle glass repair;

128 (ii) use or employ unfair or deceptive acts or practices for the purpose of inducing a person to use
129 a particular registered motor vehicle glass repair shop to provide motor vehicle glass repair
130 services. Such unfair or deceptive acts shall include, but are not limited to, engaging in an act or
131 practice designed to intimidate, threaten or coerce a person to use, or for having used, a
132 particular registered motor vehicle glass repair shop; or

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

135 (b) When an insured selects a registered motor vehicle glass repair shop to provide motor
136 vehicle glass repair services, an appraiser or employee of an independent appraisal company,
137 insurance company, its employees or representatives or third party biller shall be prohibited from
138 requiring that such motor vehicle glass repair be made at a different registered motor vehicle
139 glass repair shop.

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

144 (d) An insured may at any point in time elect to change their choice of registered motor vehicle
145 glass repair shop.

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

150 (f) An insurance company, agent, producer, third party biller or adjuster for such insurance
151 company violating this section shall be punishable by a fine of not less than \$1,000 nor more
152 than \$5,000 for each violation. The fine shall be collected by the division of insurance and
153 deposited in a retained revenue account to be used by the division to carry out the enforcement of
154 this section.

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

157 (12) Any violation of sections 2B, 95, 113X, 181 to 183, inclusive, 187B to 187D, inclusive,
158 189, 193E or 193K of chapter 175.

159 **SECTION 19.** Notwithstanding any general or special law to the contrary, a registered motor
160 vehicle repair shop, as defined in section 1 of chapter 100A of the General Laws, performing
161 motor vehicle glass repair on the effective date of this act shall not be required to register as a
162 motor vehicle glass repair shop until its current registration has expired.

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

168 **SECTION 21.** The commissioner of the division of insurance shall promulgate rules and
169 regulations for the administration and enforcement of section 113X of chapter 175 of the General
170 Laws. The regulations shall be promulgated within 180 days after the effective date of this act.