HOUSE DOCKET, NO. 2910 FILED ON: 1/21/2011

HOUSE . . . . . No. 2047

The Commonwealth of Massachusetts

PRESENTED BY:

Paul J. Donato

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:

An Act relative to motor vehicle glass repair shop registration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Paul J. Donato	*35th Middlesex*

HOUSE DOCKET, NO. 2910 FILED ON: 1/21/2011

HOUSE . . . . . No. 2047

By Mr. Donato of Medford, a petition (accompanied by bill, House, No. 2047) of Paul J. Donato relative to motor vehicle glass repair shop registration. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *5080* OF 2009-2010.]

The Commonwealth of Massachusetts

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:

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

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

"Deputy director", the deputy director of standards in the office of consumer affairs and business regulation.

"Registered motor vehicle repair shop", a motor vehicle repair shop which has a current valid certificate of registration for motor vehicle repair issued hereunder.

"Registered motor vehicle glass repair shop", a motor vehicle glass repair shop which has a current valid certificate of registration for motor vehicle glass repair issued hereunder.

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

"Motor vehicle glass repair", the business or act of repairing or replacing damaged or 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
17 intention or expectation of receiving the same, repairs or undertakes to repair in the
18 commonwealth a damaged motor vehicle as defined in section 34A of chapter 90, excluding
19 motor vehicle glass 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
24 and employees of a corporation.

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

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

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

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

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

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

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

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

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.

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
76 vehicle upon which motor vehicle glass repair services have been performed, showing the usage
77 of all glass parts, major accessory parts including moldings and major hardware component parts
78 and the adhesive system used in the motor vehicle glass repair. Such adhesive system record
79 shall include the brand, product number or name and lot and batch numbers for the product used,
80 and shall be maintained for 18 months or as long as a warranty on the motor vehicle glass repair
81 service 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
85 glass 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
87 business within the commonwealth at which it has indoor facilities to perform motor vehicle
88 glass repair services or from which it would lawfully dispatch mobile service vans.

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

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

93 (d) A registered motor vehicle glass repair shop that provides motor vehicle 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 local, state and federal licenses and
97 permits including a state sales tax identification number and a federal tax identification number.

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

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

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

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

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

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

120 SECTION 17. Chapter 175 of the General Laws is hereby amended inserting after section
121 113W the following section:-

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

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

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

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

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

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

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

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

148 (e) An insurer may, either directly or through its agents, producers, adjusters or third
149 party administrator, provide directly or through other means, including electronic transmissions,

150 information to assist in selecting a motor vehicle glass repair shop or scheduling such motor
151 vehicle glass repair shop to perform motor vehicle glass repair.

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

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

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

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

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

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