

**SENATE . . . . . No. 02189**

Senate, March 26, 2012 – New draft of Senate, Nos. 82, 402 and 464 and House Nos. 2045, 2046, 2047, 2077 and 2768 reported from the committee on Financial Service.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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:*

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

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

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

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

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

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

14           “Motor vehicle glass repair”, the business or act of repairing or replacing damaged or  
15 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  
128 for such motor vehicle glass repair;

129 (ii) use or employ unfair or deceptive acts or practices for the purpose of inducing  
130 a 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  
135 glass repair if such repair shop is not a duly registered and licensed repair shop in the  
136 commonwealth.

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

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

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

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

153 (f) An insurance company, agent, producer, third party biller or adjuster for such  
154 insurance company violating this section shall be punishable by a fine of not less than \$1,000 nor  
155 more than \$5,000 for each violation. The fine shall be collected by the division of insurance and



156 deposited in a retained revenue account to be used by the division to carry out the enforcement of  
157 this section.

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

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

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

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

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