

SENATE No. 02216

Senate, April 10, 2012 -- Recommended new draft from the Senate committee on Ways and Means for the Senate Bill relative to motor vehicle glass repair shop registration (Senate, No. 2189)

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act requiring the registration of motor vehicle glass repair shops.

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 2010 Official Edition, and inserting in place thereof the following
3 section:-

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

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

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

10 “Motor vehicle glass repair shop”, a person or entity which, for compensation or with the
11 intention or expectation of receiving the same, repairs or replaces or undertakes to repair or
12 replace motor vehicle glass.

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

15 “Motor vehicle repair shop”, a person or entity which, for compensation, or with the
16 intention or expectation of receiving the same, repairs or undertakes to repair in the
17 commonwealth a damaged motor vehicle as defined in section 34A of chapter 90, excluding
18 motor vehicle glass repair.

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

21 “Registered motor vehicle glass repair shop”, a motor vehicle glass repair shop which has
22 a current valid certificate of registration for motor vehicle glass repair issued under this chapter.

23 “Registered motor vehicle repair shop”, a motor vehicle repair shop which has a current
24 valid certificate of registration for motor vehicle repair issued under this chapter.

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

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 under this chapter, which has had

30 its registration revoked or suspended or which has surrendered its certificate of registration under
31 this chapter.

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

34 SECTION 3. Said section 2 of said chapter 100A, as so appearing, is hereby further
35 amended by inserting after the word “shop”, in lines 2, 3, 21 and 33, each time it appears, the
36 following words:- or as a motor vehicle glass repair shop.

37 SECTION 4. Said section 2 of said chapter 100A, as so appearing, is hereby further
38 amended by inserting after the word “shop”, in line 15, the following words:- , a registered
39 motor vehicle glass repair shop.

40 SECTION 5. Said section 2 of said chapter 100A, as so appearing, is hereby further
41 amended by inserting after the word “shop”, in lines 24 and 31, each time it appears, the
42 following words:- or the registered motor vehicle glass repair shop.

43 SECTION 6. Section 3 of said chapter 100A, as so appearing, is hereby amended by
44 inserting after the word “repair”, in line 14, the following words:- or motor vehicle glass repair.

45 SECTION 7. Said section 3 of said chapter 100A, as so appearing, is hereby further
46 amended by inserting after the word “shop”, in lines 17 and 23, each time it appears, the
47 following words:- or registered motor vehicle glass repair shop.

48 SECTION 8. Said section 3 of said chapter 100A, as so appearing, is hereby further
49 amended by inserting after the word “shops”, in line 20, the following words:- or registered
50 motor vehicle glass repair shops.

51 SECTION 9. Section 4 of said chapter 100A, as so appearing, is hereby amended by
52 inserting after the word “shop”, in line 7, the following words:- or registered motor vehicle glass
53 repair shop.

54 SECTION 10. Said section 4 of said chapter 100A, as so appearing, is hereby further
55 amended by inserting after the word “vehicles”, in line 8, the following words:- or motor vehicle
56 glass, as the case may be.

57 SECTION 11. Section 6 of said chapter 100A, as so appearing, is hereby amended by
58 inserting after the word “shops”, in line 4, the following words:- and motor vehicle glass repair
59 shops.

60 SECTION 12. Section 7 of said chapter 100A, as so appearing, is hereby amended by
61 inserting after the word “shop”, in line 1, the following words:- and registered motor vehicle
62 glass repair shop.

63 SECTION 13. Said section 7 of said chapter 100A, as so appearing, is hereby further
64 amended by inserting after the word “shop”, in line 3, the following words:- or unregistered
65 motor vehicle glass repair shop.

66 SECTION 14. Said section 7 of said chapter 100A, as so appearing, is hereby further
67 amended by inserting after the word “shop”, in line 6, the following words:- or a registered
68 motor vehicle glass repair shop.

69 SECTION 15. Section 8 of said chapter 100A, as so appearing, is hereby amended by
70 inserting after the word “shop”, in line 1, the following words:- , registered motor vehicle glass
71 repair shop.

72 SECTION 16. Said section 8 of said chapter 100A, as so appearing, is hereby further
73 amended by inserting after the word “repair”, in line 2, the following words:- or motor vehicle
74 glass repair.

75 SECTION 17. Section 9 of said chapter 100A, as so appearing, is hereby amended by
76 inserting after the word “shop”, in line 1, the following words:- and registered motor vehicle
77 glass repair shop.

78 SECTION 18. Said section 9 said chapter 100A, as so appearing, is hereby further
79 amended by adding following subsection:-

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

87 SECTION 19. Said chapter 100A is hereby further amended by adding the following 4
88 sections:-

89 Section 11. A person applying for registration or renewal as a registered motor vehicle
90 glass repair shop shall:

91 (1) maintain a physical place of business within the commonwealth at which it
92 has indoor facilities to perform motor vehicle glass repair services or from which it may lawfully
93 dispatch mobile service vans;

94 (2) if using a mobile service van, register and insure such van as a commercial
95 vehicle;

96 (3) possess and maintain in working order the equipment necessary to provide
97 motor vehicle windshield glass stone chip repair;

98 (4) if providing motor vehicle glass replacement services, possess and maintain
99 the equipment necessary to perform motor vehicle glass replacement services;

100 (5) obtain all required local, state and federal licenses and permits, including a
101 state sales tax identification number and a federal tax identification number; and

102 (6) not subcontract or sublet motor vehicle glass repair services to any other
103 person or entity not in the employ of the registered motor vehicle glass repair shop unless such
104 person or entity is also a duly registered motor vehicle glass repair shop.

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

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

112 Section 13. The division of standards may inspect the premises of an applicant for a
113 motor vehicle glass repair shop registration or a registered motor vehicle glass repair shop to
114 ascertain compliance with this chapter. Failure to comply with any requirements of this chapter
115 shall result in denial of the application or, if already registered, the suspension of the motor
116 vehicle glass shop registration until such time as the division re-inspects the facility and
117 determines the shop is in compliance with this chapter.

118 Section 14. Any motor vehicle glass repair to be performed in the commonwealth shall be
119 performed by a registered motor vehicle glass repair shop. A person, including an insurer,
120 insurance producer, third-party administrator or a motor vehicle service establishment or other
121 party receiving an initial report or inquiry regarding motor vehicle glass damage or an initial
122 request for motor vehicle glass repair services shall state that the motor vehicle glass repair shall
123 be performed by a registered motor vehicle glass repair shop.

124 SECTION 20. Chapter 175 of the General Laws is hereby amended inserting after section
125 113W the following section:-

126 Section 113X. (a) When motor vehicle glass repair is to be performed within the
127 commonwealth and is covered in whole or in part by motor vehicle liability insurance, the
128 insurer, producer, adjuster or third party administrator for the insurer shall not:

129 (1) require a person to use a particular registered motor vehicle glass repair shop
130 for motor vehicle glass repair services;

131 (2) use or employ unfair or deceptive acts or practices to induce a person to use a
132 particular registered motor vehicle glass repair shop to provide motor vehicle glass repair
133 services; provided, however, that unfair or deceptive acts shall include, but not be limited to,

134 engaging in an act or practice designed to intimidate, threaten or coerce a person to use, or for
135 having used, a particular registered motor vehicle glass repair shop; or

136 (3) knowingly contract with, refer motor vehicle glass repair services to or
137 otherwise negotiate with a motor vehicle glass repair shop to provide motor vehicle glass repair
138 services if the repair shop is not a registered motor vehicle glass repair shop as provided in
139 chapter 100A.

140 (b) When an insured selects a registered motor vehicle glass repair shop to provide motor
141 vehicle glass repair services, an appraiser or employee of an independent appraisal company,
142 insurance company, its employees or representatives or third party biller shall not require the
143 motor vehicle glass repair to be made at a different registered motor vehicle glass repair shop.

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

149 (d) An insured may at any point in time elect to change the insured's choice of registered
150 motor vehicle glass repair shop.

151 (e) An insurer may, either directly or through its producers, adjusters or third party
152 administrator, provide directly or through other means, including electronic transmissions,
153 information to assist the insured in selecting a motor vehicle glass repair shop or scheduling a
154 motor vehicle glass repair shop to perform motor vehicle glass repair; provided, however, that

155 such information may include the contact information of at least 3 duly registered motor vehicle
156 glass repair shops located within 50 miles of the insured.

157 (f) A violation of this section by an insurance company, producer, third party biller or
158 adjuster shall be punishable by a fine of not less than \$1,000 nor more than \$5,000 for each
159 violation. The fine shall be collected by the division of insurance and retained by the
160 commissioner and shall be used to enforce this section; provided, however, that revenue
161 collected in excess of \$100,000 annually shall be deposited in the General Fund. The retained
162 revenue collected may be used by the commissioner to carry out the enforcement of this section.

163 SECTION 21. Section 3 of chapter 176D of the General Laws, as so appearing, is hereby
164 amended by striking out clause (12) and inserting in place thereof the following clause:-

165 (12) A violation of section 2B, 95, 113X, 181 to 183, inclusive, 187B to 187D, inclusive,
166 189, 193E or 193K of chapter 175.

167 SECTION 22. Notwithstanding any general or special law to the contrary, a registered
168 motor vehicle repair shop, as defined in section 1 of chapter 100A of the General Laws,
169 performing motor vehicle glass repair on the effective date of this act shall not be required to
170 register as a motor vehicle glass repair shop until its current registration has expired.

171 SECTION 23. The commissioner of insurance shall promulgate rules and regulations for
172 the administration and enforcement of section 113X of chapter 175 of the General Laws. The
173 regulations shall be promulgated within 180 days after the effective date of this act.