



THE 187TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

Home Glossary FAQs

 Options

[Massachusetts Laws](#) |
 [Bills](#) |
 [State Budget](#) |
 [People](#) |
 [Committees](#) |
 [Educate & Engage](#) |
 [Events](#) |
 [Redistricting](#)

Massachusetts Laws

Session Laws

[Print Page](#)

- [Massachusetts Constitution](#)
- [General Laws](#)
- [Session Laws](#)
- [Rules](#)

Acts		
2012		Jump to: <input type="text" value="2012"/>
CHAPTER 208	AN ACT REQUIRING THE REGISTRATION OF MOTOR VEHICLE GLASS REPAIR SHOPS.	PREV NEXT

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 2010 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 the division of standards within the office of standards of consumer affairs and business regulation.

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

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

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

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

"Person", an individual, association, partnership or corporation and the officers, directors and employees of a corporation.

"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 under this chapter.

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

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

"Unregistered motor vehicle repair shop", a motor vehicle repair shop that does not have a current valid certificate of registration issued under this chapter, which has had its registration

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) maintain a physical place of business within the commonwealth at which it has indoor facilities to perform motor vehicle glass repair services and from which it may lawfully dispatch mobile service vans;
- (2) if using a mobile service van, register and insure such van as a commercial vehicle;
- (3) possess and maintain in working order the equipment necessary to provide motor vehicle windshield glass stone chip repair;
- (4) if providing motor vehicle glass replacement services, possess and maintain the equipment necessary to perform motor vehicle glass replacement services;
- (5) obtain all required local, state and federal licenses and permits, including a state sales tax identification number and a federal tax identification number; and
- (6) not subcontract or sublet motor vehicle glass repair services to any other person or entity not in the employ of the registered motor vehicle glass repair shop unless such person or entity is also a duly registered motor vehicle glass repair shop.

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

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

Section 13. The division of standards may inspect the premises of an applicant for a motor vehicle glass repair shop registration or a registered motor vehicle glass repair shop to ascertain compliance with this chapter. Failure to comply with any requirements of this

chapter shall result in denial of the application or, if already registered, the suspension of the motor vehicle glass shop registration until such time as the division re-inspects the facility and determines the shop is in compliance with this chapter.

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

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

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

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

(2) use or employ unfair or deceptive acts or practices to induce a person to use a particular registered motor vehicle glass repair shop to provide motor vehicle glass repair services; provided, however, that unfair or deceptive acts shall include, but not be limited to, engaging in an act or practice designed to intimidate, threaten or coerce a person to use, or for having used, a particular registered motor vehicle glass repair shop; or

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

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

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

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

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

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

SECTION 21. Section 3 of chapter 176D of the General Laws, as so appearing, is hereby amended by striking out clause (12) and inserting in place thereof the following clause:-
(12) A violation of section 2B, 95, 113X, 181 to 183, inclusive, 187B to 187D, inclusive, 189, 193E or 193K of chapter 175.

SECTION 22. Notwithstanding any general or special law to the contrary, a registered motor vehicle repair shop, as defined in section 1 of chapter 100A of the General Laws, performing motor vehicle glass repair on the effective date of this act shall not be required to register with the division of standards as both a registered motor vehicle repair shop and a registered motor vehicle glass repair shop.

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

Approved, August 3, 2012.