

By Mr. Palumbo of Newbury, petition of Thomas G. Palumbo, Frank G. Cousins, Jr., and Bruce E. Tarr for legislation to prohibit motor vehicle insurance companies from directing insureds to specific auto glass companies for repair of motor vehicles. Insurance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Three.

AN ACT TO PROHIBIT MOTOR VEHICLE INSURANCE COMPANIES FROM DIRECTING INSURED TO SPECIFIC AUTO GLASS COMPANIES FOR REPAIR OF THEIR VEHICLES.

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. The General Laws are hereby amended by
2 inserting after Chapter 100A the following chapter: —

3 **CHAPTER 100B.**
4 **AUTO GLASS REPAIRS: RESTRICTIONS.**

5 Notwithstanding any provisions of general, or special law or
6 regulation to the contrary, no insurance company, agent, or
7 adjuster for such insurance company that issues or renews in the
8 Commonwealth any policy of insurance covering in whole or in
9 part any motor vehicle, may require or recommend that any
10 person insured under said policy use a particular company or
11 location for the providing of automobile glass replacement or
12 repair services or products in part by the policy.

1 SECTION 2. No such insurance company, agent or adjuster
2 may engage in any act or practice of intimidation, coercion, threat,
3 incentive or inducement for or against any such insured person
4 to use a particular company or location to provide such services
5 or products.

1 SECTION 3. Nothing in this Act prohibits any such insurance
2 company, agent, or adjuster from providing to such insured
3 person or entity a list that includes the names of automobile glass
4 companies or locations is affiliated with another in any way, with
5 which arrangements may have been made in advance with respect
6 to prices or other aspects of the furnishing of the automobile glass
7 services or products. However, no insurance company, agent or
8 adjuster may require, urge or encourage use of the listed auto-
9 mobile glass companies or locations. If a list is provided, the
10 insurance company, agent, or adjuster, shall make oral and
11 written disclosure at the time of any claim reimbursable in whole
12 or in part under the insurance policy, to the insured person that
13 any non-listed automobile person's sole discretion and that the
14 insurance company will fully and promptly pay for the cost of
15 the automobile glass replacement or repair services or products,
16 less only any applicable deductible amount payable according to
17 the terms of the insurance policy by the insured person, at no less
18 than the average market price in the local area for similarly
19 situated automobile glass companies or locations providing
20 compatible automobile glass replacement or repair services or
21 products without taking into consideration any special
22 arrangements offered by the listed automobile glass companies or
23 locations. If the insured person elects to use a non-listed
24 automobile glass company or location, the insurance company
25 may not impose any obligations or requirements upon the insured
26 person, including the obtaining of written estimates which would
27 not be required if the insured person elects to use a listed
28 automobile glass company or location.