

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Conroy

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 bill:

An Act relative to motor vehicle glass repair shop registration.

PETITION OF:

NAME:

Thomas P. Conroy

DISTRICT/ADDRESS:

13th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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.** Section 1 of Chapter 100A is hereby amended by striking section one and inserting
2 in place the following : -

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

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

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

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

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

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

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

18 “Motor vehicle glass repair shop”, any person or entity which, for compensation, or with the intention
19 or expectation of receiving the same, repairs or replaces or undertakes to repair or replace motor
20 vehicle glass in the commonwealth.

21 “Person”, individuals, associations, partnerships and corporations, and the officers, directors and
22 employees of a corporation.

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

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

29 **SECTION 2.** Section 3 of said chapter is hereby amended by inserting after the word “two” in the first
30 sentence the following:-

31 for motor vehicle repair shops or the requirements of section 12 for motor vehicle glass repair shops

32 **SECTION 3.** Said section is hereby further amended after subsection (d) the following new subsection
33 (e)

34 ; or (e) that the applicant for motor vehicle glass repair shop registration, any person having a financial
35 interest, direct or indirect, in the business to be conducted by the applicant, has failed to meet the
36 requirements of Section 14, as determined by the director.

37 **SECTION 4.** Section 6 of said chapter is hereby amended by inserting after the word “shops” in the first
38 sentence the following:-.

39 and registered motor vehicle glass repair shop

40 **SECTION 5.** Section 7 of said Chapter 100A is hereby further amended by adding after the word “
41 shop” in the first sentence the following :-

42 and registered motor vehicle glass repair shop

43 **SECTION 6.** Section 8 of said Chapter 100A is hereby further amended by adding after the word “
44 shop” in the first sentence the following :-

45 registered motor vehicle glass repair shop

46 **SECTION 7.** Section 9 of said chapter 100A is hereby amended by inserting after the word “shop” in the
47 first sentence the following :-

48 and registered motor vehicle glass repair shop

49 **SECTION 8.** Said Chapter 100A is hereby further amended by adding at the end thereof the following 6
50 new sections:-

51 Section 11. Motor vehicle glass repair shop; registration required

52 No person shall engage in motor vehicle glass repair unless such person is registered as a motor vehicle
53 glass repair shop under this chapter.

54 Section 12. Motor vehicle glass repair shop; registration; service of process

55 Any person desiring to be registered as a motor vehicle glass repair shop shall make written application
56 under oath to the deputy director on a form provided by him. Said application shall set forth the name
57 and address of the applicant and of any other person having financial interest, direct or indirect, in the
58 business to be conducted by the applicant, and such other information as the deputy director shall
59 require, and shall identify at least one natural person who is in charge of the operations of the applicant.
60 Said application shall be accompanied by a registration fee in the amount of three hundred dollars, or
61 such other amount as the secretary of administration and finance pursuant to the provisions of section
62 three B of chapter seven shall establish, together with two letters of recommendation for registration
63 signed by a registered motor vehicle glass repair shop or by an elected public official or a member of the
64 Massachusetts Bar. Said application shall be further accompanied by a bond upon the applicant in the
65 sum of ten thousand dollars, payable to the deputy director or his successors with sureties approved by
66 the deputy director and conditioned on applicant's compliance with the provisions of this chapter. Said
67 bond shall guarantee the payment of all fines and penalties incurred by applicant as a registered motor
68 vehicle glass repair shop for his violations of the said provisions, and also guarantee the payment or
69 satisfaction of any final judgments on claims by creditors against the registered motor vehicle glass
70 repair shop arising in connection with business done under a certificate or registration granted under
71 this chapter, all such payments under said bond to be limited to the amount of said bond. Such a
72 creditor's claim however, must have been duly filed by giving written notice to the deputy director prior
73 to the expiration of sixty days from the return, surrender of said certificate of registration or date of the
74 filing of an affidavit of loss of the certificate of registration held by the registered motor vehicle glass
75 repair shop against whom the claim is made.

76 The acceptance by an applicant of a certificate of registration issued by the deputy director to him as a
77 registered motor vehicle glass repair shop shall be deemed equivalent to an appointment by the
78 registrant of the deputy director, or his successors in office, to be the registrant's true and lawful
79 attorney upon whom may be served all lawful process in any action or proceeding against him or his
80 executor or administrator, arising out of the transaction of business by him under said certificate of
81 registration. Any process against the registrant so served shall, if said registrant is notified as hereinafter
82 provided, be of the same legal force and validity as if served on him personally, and the mailing by the
83 deputy director of a copy of such process to said registrant at his last address, as appearing on the
84 deputy director's records, shall be sufficient notice to him of such service. Service of such process shall
85 be made by delivering or mailing duplicate copies thereof together with a fee of two dollars to the office
86 of the deputy director, and the deputy director shall forthwith send one of said copies by mail, postage
87 prepaid, addressed to the defendant registrant named in such process at his last address as appearing
88 on the deputy director's records.

89 An affidavit of the deputy director, or of any person authorized by him to send such copy, that such copy
90 has been mailed shall be prima facie evidence thereof. One of the duplicates of such process, certified
91 by the deputy director as having been delivered to the office of the deputy director shall be sufficient
92 evidence of service upon him as attorney for the registrant named as defendant in the process.

93 Section 13. Motor Vehicle Glass Repair Shop; Bond, letter of credit

94 Section 2A. Notwithstanding the provisions of section twelve, the requirement of a bond may be
95 satisfied by the submission of a letter of credit in the amount of ten thousand dollars, in a form
96 approved by the deputy director. Said letter of credit shall accompany the written application prescribed
97 in section twelve and the applicant shall comply with all other requirements of said section.

98 Section 14. Registered Motor Vehicle Glass Repair Shop; application process; shop application and
99 operational requirements

100 Any person seeking to apply for registration or renewal as a registered motor vehicle glass repair shop in
101 the Commonwealth will meet the following requirements:

102 (a) A registered motor vehicle glass repair shop must have a physical place of business within the
103 Commonwealth at which it has indoor facilities to perform motor vehicle glass repair services, or from
104 which it would lawfully dispatch mobile service vans.

105 (b) Any registered motor vehicle glass repair shop mobile service van must be a commercial vehicle
106 properly registered and insured in the Commonwealth.

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

109 (e) A registered motor vehicle glass repair shop that provides motor vehicle replacement services shall
110 possess and maintain the equipment necessary to perform motor vehicle glass replacement services,

111 (f) An applicant must provide proof in writing from a licensed insurance company registered in the
112 Commonwealth of the motor vehicle glass repair shop's workers' compensation insurance and liability
113 insurance.

114 (g) Any motor vehicle glass repair shop applying for a certificate of registration under the current
115 chapter is required to have all local, state, and federal licenses and permits including a state sales tax
116 identification number, and a federal tax identification number.

117 (h) A motor vehicle glass repair shop shall maintain records for each motor vehicle upon which motor
118 vehicle glass repair services have been performed, showing the usage of all glass parts, major accessory
119 parts including moldings and major hardware component parts, and the adhesive system used in the
120 motor vehicle glass repair. Such adhesive system record shall include the brand, product number or
121 name, lot and batch numbers for the product used, and shall be maintained for as long as the vehicle is
122 known to be in operation.

123 (i) An applicant will provide evidence of its record keeping system as defined by the Division of
124 Standards. Unless noted otherwise herein, records must be kept of all parts used during at least the
125 preceding eighteen months.

126 (j) A registered motor vehicle glass repair shop may not subcontract or sublet motor vehicle glass repair
127 services to another person or entity not in their employ, unless such person or entity is also a duly
128 registered motor vehicle glass repair shop.

129 Section 15. Registered Motor Vehicle Glass Repair Shop; consumer disclosure

130 (a) Upon request, a registered motor vehicle glass repair shop shall disclose to the consumer all
131 information relating to the charges for repair or replacement services, including, the amount of the
132 charges, the identification and line item charges for the parts provided, and verification of parts used,
133 regardless of whether the amount is paid by the consumer or billed to their Insurance Company.

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

136 Section 16; Registration revocation; right to motor vehicle glass shop inspection

137 The division of standards shall have the right to inspect the premises of any applicant or registered
138 motor vehicle glass repair shop, for the purpose of ascertaining compliance with the requirements of
139 section 14 and section 15. Failure to comply with any of the requirements will result in rejection of the
140 application, or, if already registered, the forfeiture of motor vehicle glass shop registration until such
141 time as the division re-inspects the facility and determines the shop is in compliance.