



House of Representatives

General Assembly

File No. 230

January Session, 2011

House Bill No. 5283

House of Representatives, March 28, 2011

The Committee on Insurance and Real Estate reported through REP. MEGNA of the 97th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING AUTOMOTIVE GLASS WORK AND REPAIRS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-354 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) No automobile physical damage appraiser shall require that
4 appraisals or repairs should or should not be made in a specified
5 facility or repair shop or shops.

6 (b) No insurance company doing business in this state, or agent or
7 adjuster for such company shall: [(1) require]

8 (1) Require any insured to use a specific person for the provision of
9 automobile physical damage repairs, automobile glass replacement,
10 automobile glass repair service or automobile glass products; [, or (2)
11 state]

12 (2) Refer or route any insured directly or indirectly to a third-party

13 adjuster or third-party claims administrator for claims or questions
 14 regarding automobile physical damage repairs, automobile glass
 15 replacement, automobile glass repair service or automobile glass
 16 products, without requiring the insured to contact directly the
 17 insured's insurance company first by telephone, facsimile or electronic
 18 means. Such company shall inform such insured that the insured has
 19 the right to choose the licensed repair shop or facility where (A) the
 20 damage to the insured's motor vehicle will be repaired, or (B) the
 21 automobile glass will be repaired or replaced, as applicable;

22 (3) (A) Guarantee or warranty the repair or replacement work
 23 performed by a licensed repair shop or facility for automobile physical
 24 damage repairs, automobile glass replacement, automobile glass repair
 25 service or automobile glass products, or (B) impose a monetary
 26 advantage or penalty for such repair or replacement work that could
 27 affect an insured's choice of a repair shop or facility, including, but not
 28 limited to, lowering or waiving the insured's deductible under the
 29 insured's policy; or

30 (4) State that choosing a facility other than a motor vehicle repair
 31 shop participating in a motor vehicle repair program established by
 32 such company will result in delays in repairing the motor vehicle or a
 33 lack of guarantee for repair work.

34 (c) Any appraisal or estimate for a motor vehicle physical damage
 35 claim written on behalf of an insurer shall include the following notice,
 36 printed in not less than ten-point boldface type:

37 NOTICE:

38 YOU HAVE THE RIGHT TO CHOOSE THE LICENSED REPAIR
 39 SHOP WHERE THE DAMAGE TO YOUR MOTOR VEHICLE WILL
 40 BE REPAIRED.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	38a-354

INS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

There is no impact to the state or municipalities as the bill concerns matters between private automobile insurers and their clients.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5283*****AN ACT CONCERNING AUTOMOTIVE GLASS WORK AND REPAIRS.*****SUMMARY:**

This bill prohibits an auto insurer and its agents and adjusters from routing or referring insureds to a third-party adjuster or claim administrator regarding auto repairs, including glass repair or replacement, without having the insured first contact the insurer by telephone, fax, or electronically. The insurer must inform the insured that he or she has the right to choose the licensed repair shop where damage to the insured's auto will be repaired.

The bill also prohibits an auto insurer and its agents and adjusters from guaranteeing or warranting repairs or imposing monetary advantages or penalties that could affect the insured's choice of repair shop. Monetary advantages include lowering or waiving the insured's deductible.

EFFECTIVE DATE: October 1, 2011

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable

Yea 12 Nay 8 (03/15/2011)