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HOUSE BILL 3053

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Kirby, Rodne, Simpson, Roach, Kelley, Sullivan, Conway, and Ormsby

Read first time 01/21/08.      Referred to Committee on Insurance, Financial Services & Consumer Protection.

1            AN ACT Relating to auto glass repair; and amending RCW 48.30.340.

2            BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3            **Sec. 1.** RCW 48.30.340 and 2007 c 74 s 1 are each amended to read  
4 as follows:

5            (1) A person in this state has the right to choose any glass repair  
6 facility for the repair of a loss relating to motor vehicle glass.

7            (2) An insurer or its third-party administrator shall not interfere  
8 with the right provided in subsection (1) of this section.

9            (3) Prior to making a recommendation, an insurer or its third-party  
10 administrator shall ask a person making a claim for a loss that only  
11 involves glass if that person has chosen an automobile glass repair or  
12 replacement facility. If a facility is indicated by the person, the  
13 insurer or its third-party administrator shall not recommend a  
14 different facility for the repairs.

15            (4) At the time information regarding any automobile glass repair  
16 or replacement facility is discussed, an insurer or its third-party  
17 administrator ((that owns in whole or in part an automobile glass  
18 repair facility)) that is processing a claim limited only to auto glass  
19 shall:

1 (a) (~~Verbally~~) Inform the person making the claim of loss, of the  
2 right provided under subsection (1) of this section(~~(, at the time~~  
3 ~~information regarding the automobile glass repair or replacement~~  
4 ~~facilities is provided))~~. If the insurer or its third-party  
5 administrator owns an interest in the facility that is being  
6 recommended, the person making the claim must be provided with the  
7 notice in subsection (5) of this section and the names of at least two  
8 alternative automobile glass repair or replacement facilities that are  
9 comparable and in reasonable proximity; and

10 (b) (~~Verbally~~) Inform the person making the claim of loss that  
11 the third-party administrator is an entity separate from the insurer  
12 that has a financial arrangement to process automobile glass claims on  
13 the insurer's behalf.

14 (~~(+3)~~) (5) An insurer or its third-party administrator that owns  
15 an interest in an automobile glass repair or replacement facility shall  
16 post the following notice in each of its repair facilities:

17 "THIS AUTOMOBILE GLASS REPAIR OR REPLACEMENT FACILITY IS OWNED IN  
18 WHOLE OR IN PART BY (NAME OF INSURER OR INSURER'S THIRD-PARTY  
19 ADMINISTRATOR). YOU ARE HEREBY NOTIFIED THAT YOU ARE ENTITLED UNDER  
20 WASHINGTON LAW TO SEEK REPAIRS AT ANY AUTOMOBILE GLASS REPAIR OR  
21 REPLACEMENT FACILITY OF YOUR CHOICE."

22 The notice must be posted, in not less than eighteen point font,  
23 prominently in a location in which it is likely to be seen and read by  
24 a customer. (~~(If the automobile glass repair or replacement facility~~  
25 ~~is mobile, the notice must be given to the person making the claim~~  
26 ~~verbally by the insurer or its third party administrator prior to~~  
27 ~~commencement of the repair or replacement.~~

28 ~~(+4)~~) (6) A person making a claim of loss whose motor vehicle is  
29 repaired at an automotive glass repair or replacement facility subject  
30 to the notice requirements of this section may file a complaint with  
31 the office of the insurance commissioner.

32 (~~(+5) This section does not create a private right or cause of~~  
33 ~~action to or on behalf of any person.~~)

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