

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Motor  
5 Vehicle Glass Repair Act.

6 Section 5. Definitions. As used in this Act:

7 "Advanced driver assistance system" means any motor  
8 vehicle electronic safety system, as outlined in the most  
9 recent version of SAE International's SAE J3016 Levels of  
10 Driving Automation, that is designed to support the driver and  
11 motor vehicle in a manner intended to:

12 (1) increase motor vehicle safety; and

13 (2) reduce losses associated with motor vehicle  
14 crashes.

15 "Department" means the Department of Insurance.

16 "Insurance producer" means an individual or business  
17 entity required to be licensed under the laws of Illinois to  
18 sell, solicit, or negotiate insurance or annuity contracts.

19 "Insurance producer" includes an agent, a managing general  
20 agent, a surplus lines broker, a reinsurance intermediary  
21 broker and manager, a rental vehicle agent and rental vehicle  
22 agent managing employee, and a consultant.

23 "Insured" means a person that is entitled, or may be

1 entitled, to receive first-party benefits or payments under an  
2 insurance policy.

3 "Motor vehicle glass" means the glass and non-glass parts  
4 associated with the replacement of the glass used in the  
5 windshield, doors, or windows of a motor vehicle.

6 "Motor vehicle glass repair shop" means any person,  
7 including an employee or agent of the person, that for  
8 consideration engages in the repair or replacement of damaged  
9 motor vehicle glass.

10 "Notice" means direct written communications, including  
11 verifiable text, email, or application-based messaging that is  
12 easily accessible by the consumer.

13 "Person" means any individual or any corporation, limited  
14 liability company, partnership, association, or other group  
15 existing under or authorized by the laws of either this State  
16 or the United States.

17 "Repair or replacement of damaged motor vehicle glass"  
18 includes:

19 (1) inspecting, repairing, restoring, or replacing  
20 damaged motor vehicle glass; and

21 (2) calibrating or recalibrating an advanced driver  
22 assistance system when an incident requires the  
23 replacement of damaged motor vehicle glass.

24 "Rights or benefits under the policy" includes the  
25 insured's right to receive any and all post-loss benefits or  
26 payments available or payable under the policy, including, but

1 not limited to, claim payments.

2 Section 10. Application. This Act applies to insurance  
3 policies issued or renewed on or after the effective date of  
4 this Act.

5 Section 15. Post-loss benefit assignment.

6 (a) An insured under a property and casualty insurance  
7 policy shall not, either prior to or after a claimed or covered  
8 loss, assign, delegate or otherwise transfer, in whole or in  
9 part, to any other person the insured's:

10 (1) duties under the policy; or

11 (2) rights or benefits under the policy.

12 (b) Any contract entered in violation of this Section  
13 shall be void and unenforceable.

14 (c) Nothing in this Section shall be construed to prohibit  
15 an insured from authorizing or directing payment to, or  
16 paying, a person for services, materials, or any other thing  
17 that may be, or is, covered under an insurance policy.

18 Section 20. Motor vehicle glass repair shop notice.

19 (a) Prior to providing service to an insured for a repair  
20 or replacement of damaged motor vehicle glass, a motor vehicle  
21 glass repair shop shall notify the insured of each of the  
22 following:

23 (1) whether the motor vehicle has an advanced driver

1 assistance system; and

2 (2) if the motor vehicle has an advanced driver  
3 assistance system, then:

4 (A) whether calibration or recalibration of the  
5 motor vehicle's advanced driver assistance system is  
6 needed after a windshield repair or replacement as  
7 recommended by the vehicle manufacturer;

8 (B) whether the motor vehicle glass repair shop  
9 intends to calibrate or recalibrate the advanced  
10 driver assistance system in a manner that meets the  
11 motor vehicle manufacturer's specifications; and

12 (C) that the motor vehicle should be taken to the  
13 vehicle manufacturer's certified dealership or a  
14 qualified specialist capable of performing the  
15 calibration or recalibration if the motor vehicle  
16 glass repair shop is not capable of performing or does  
17 not intend to perform the calibration or recalibration  
18 referenced in subparagraph (A).

19 (b) If calibration or recalibration of the motor vehicle's  
20 advanced driver assistance system is performed, the motor  
21 vehicle glass repair shop shall provide written notice to the  
22 insured:

23 (1) as to whether the calibration or recalibration was  
24 successful; and

25 (2) that, if the calibration or recalibration was not  
26 successful, the motor vehicle should be taken to the

1 vehicle manufacturer's certified dealership or a qualified  
2 specialist capable of performing the calibration or  
3 recalibration.

4 Section 25. Motor vehicle glass repair claims and  
5 practices.

6 (a) A motor vehicle glass repair shop shall not contract  
7 with a person for a repair or replacement of damaged motor  
8 vehicle glass to be paid for under a first-party insurance  
9 policy until all of the following are satisfied:

10 (1) the person has made a first-party claim for the  
11 repair or replacement of damaged motor vehicle glass under  
12 a motor vehicle insurance policy;

13 (2) the motor vehicle glass repair shop has received a  
14 claim or referral number for the first-party claim; and

15 (3) the requirements of subsection (a) of Section 20  
16 have been satisfied.

17 (b) A motor vehicle glass repair shop shall:

18 (1) provide the insured a good faith estimate of the  
19 fees and costs that are anticipated to be charged to the  
20 insured by the motor vehicle glass repair shop for the  
21 repair or replacement of damaged motor vehicle glass;

22 (2) prior to performing service, provide the insured  
23 an updated estimate; and

24 (3) not charge more than the reasonable and customary  
25 fees and costs to an insured for a repair or replacement of

1 damaged motor vehicle glass and any associated calibration  
2 or recalibration of the motor vehicle's advanced driver  
3 assistance system as recommended by the vehicle  
4 manufacturer specifications.

5 (c) Upon completion of a repair or replacement of damaged  
6 motor vehicle glass, a motor vehicle glass repair shop shall  
7 provide the insured:

8 (1) an itemized invoice and, upon payment, a receipt;

9 (2) notice that states whether or not the advanced  
10 driver assistance system was successfully calibrated or  
11 recalibrated, if applicable; and

12 (3) if the calibration or recalibration was not  
13 successful, notice not to rely on the advanced driver  
14 assistance system until it has been successfully  
15 calibrated or recalibrated by the vehicle manufacturer's  
16 certified dealership or a qualified specialist capable of  
17 performing the calibration or recalibration.

18 Section 30. Prohibited acts.

19 (a) A motor vehicle glass repair shop, or any other person  
20 who is compensated for the solicitation of insurance claims,  
21 shall not offer a rebate, gift, gift card, cash, coupon, fee,  
22 prize, bonus, payment, incentive, inducement, or any other  
23 thing of value to any insured, insurance producer, or other  
24 person in exchange for directing or making a claim under a  
25 motor vehicle insurance policy for a repair or replacement of

1 damaged motor vehicle glass.

2 (b) A motor vehicle glass repair shop shall not:

3 (1) charge higher fees and costs to an insured for a  
4 repair or replacement of damaged motor vehicle glass than  
5 are reasonable and customarily charged in this State;

6 (2) submit false, misleading, or incomplete  
7 documentation or information to an insured or an insured's  
8 insurer, including any agent of the insured or insurer,  
9 for a repair or replacement of damaged motor vehicle  
10 glass;

11 (3) with respect to an insured's claim, or potential  
12 claim, for a repair or replacement of damaged motor  
13 vehicle glass, do the following, which results, or would  
14 result, in a higher insurance payment or a change of  
15 insurance coverage status:

16 (A) indicate that work was performed in a  
17 geographic area that was not the geographic area where  
18 the work occurred; or

19 (B) advise an insured to falsify the date of  
20 damage;

21 (4) falsely sign a work order or other  
22 insurance-related form relating to an insured's claim, or  
23 potential claim, for a repair or replacement of damaged  
24 motor vehicle glass;

25 (5) misrepresent to an insured or the insured's  
26 insurer, including any agent of the insured or insurer,

1 the price of a proposed repair or replacement of damaged  
2 motor vehicle glass;

3 (6) state that an insured's insurer has approved a  
4 repair or replacement of damaged motor vehicle glass  
5 without:

6 (A) verifying coverage directly with, or obtaining  
7 approval directly from, the insurer or the insurer's  
8 agent; and

9 (B) obtaining confirmation of the coverage or  
10 approval by facsimile, email, or other written or  
11 recorded communication;

12 (7) state that a repair or replacement of damaged  
13 motor vehicle glass will be paid for entirely by an  
14 insurer and at no cost to the insured unless the coverage  
15 has been verified by the insurer or the insurer's agent;  
16 or

17 (8) with respect to an insured's claim, or potential  
18 claim, for a repair or replacement of damaged motor  
19 vehicle glass:

20 (A) damage, or encourage an insured to damage, the  
21 motor vehicle in order to increase the scope of the  
22 repair or replacement of damaged motor vehicle glass;

23 (B) perform work that is clearly and substantially  
24 beyond the level of work necessary to restore the  
25 motor vehicle to a safe pre-damaged condition in  
26 accordance with accepted or approved reasonable and

1 customary techniques for the repair or replacement of  
2 damaged motor vehicle glass;

3 (C) misrepresent the motor vehicle glass repair  
4 shop's relationship to an insured or the insurer's  
5 agent; or

6 (D) perform any other act that constitutes fraud  
7 or misrepresentation.

8 (c) Any notice or invoice required under this Act shall be  
9 issued in the same font size as the invoice, estimate, or  
10 receipt.

11 Section 35. Right to choose motor vehicle glass repair  
12 shop.

13 (a) An insured that makes a first-party claim for a repair  
14 or replacement of damaged motor vehicle glass under a motor  
15 vehicle insurance policy shall not be required to use a  
16 particular motor vehicle glass repair shop to receive claim  
17 payments or other benefits under the policy.

18 (b) This Section shall not be construed to:

19 (1) prohibit an insurer, insurance producer, insurance  
20 adjuster, or any person acting on behalf of an insurer,  
21 insurance producer, or insurance adjuster from  
22 recommending a motor vehicle glass repair shop or  
23 providing an explanation to an insured of the coverage  
24 available, and any applicable liability limit, under any  
25 insurance policy;

- 1           (2) prohibit an insurer from maintaining a network of  
2           motor vehicle glass repair shops; or  
3           (3) create a private cause of action.

4           Section 40. Presumption. It is presumed that a motor  
5           vehicle glass repair shop is acting knowingly in violation of  
6           Section 30 if the motor vehicle glass repair shop engages in a  
7           regular and consistent pattern of the prohibited activity.

8           Section 45. Rulemaking. The Department shall adopt rules  
9           necessary to administer and implement this Act, including  
10          rules to enforce compliance with this Act.