

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 109
Commerce Committee Substitute Adopted 4/17/03

Short Title: Motor Vehicle Glass Repair.

(Public)

Sponsors:

Referred to:

February 20, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT COUPONING OR WAIVING OF DEDUCTIBLES IN
3 MOTOR VEHICLE GLASS REPAIR AND AUTOMOTIVE COLLISION
4 REPAIR.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 58-3-180(a) reads as rewritten:

7 "(a) A policy covering damage to a motor vehicle shall allow the claimant to
8 select the repair service or source for the repair of the ~~damage~~damage, including the
9 repair service or source for the repair or replacement of automobile glass or collision
10 repair."

11 **SECTION 2.** Article 1 of Chapter 75 of the General Statutes is amended by
12 adding a new section to read:

13 **"§ 75-36. Restrictions on automobile glass repair or replacement.**

14 No person, business, or other legal entity doing business in this State that installs,
15 repairs, or replaces automobile glass knowingly shall engage in any of the following
16 acts:

- 17 (1) Offer to finance payment of a customer's deductible on terms different
18 from terms offered to customers not making an insurance claim.
19 (2) Promise or offer to provide any credit, incentive, gift, rebate, or special
20 financing arrangement in satisfaction of all or part of an insurance
21 deductible or co-payment owed by an insured under a policy of
22 insurance.
23 (3) Advertise, promote, or represent by any media, telemarketers, or others
24 that services are 'free' if in fact an insurer will pay for the service or
25 advertise or make offers for the purpose of soliciting a claim against a
26 property or casualty insurer.
27 (4) Engage in offering to defer collection of, discount, or issue a
28 repayment of a customer's deductible based, in whole or in part, on the
29 availability of insurance coverage.

1 (b) A violation of this section shall be considered an unfair trade practice, as
2 prohibited by G.S. 75-1.1.

3 (c) Any person who suffers an economic loss as a result of the violation of this
4 section may bring an action to recover damages in the General Court of Justice. Actions
5 brought pursuant to this section shall be tried in the county where the violation occurred
6 or in any county where the defendant resides or conducts, transacts, or has transacted
7 business."

8 **SECTION 3.** This act is effective when it becomes law.