

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

S

1

SENATE BILL 109

Short Title: Motor Vehicle Glass Repairs.

(Public)

Sponsors: Senator Carpenter.

Referred to: Commerce.

February 20, 2003

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

5 The General Assembly of North Carolina enacts:

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

7 "**§ 58-3-180. Motor vehicle repairs; selection by claimant.**

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

12 (b) The amount determined by the insurer to be payable under a policy covering  
13 damage to a motor vehicle shall be paid regardless of the repair service or source  
14 selected by the claimant.

15 (c) Any person who violates this section is subject to the applicable provisions of  
16 G.S. 58-2-70 and G.S. 58-33-45, provided that the maximum civil penalty that can be  
17 assessed under G.S. 58-2-70(d) for a violation of this section is two thousand dollars  
18 (\$2,000)."

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

21 "**§ 75-36. Restrictions on automobile glass repair or replacement.**

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

- 25 (1) Offer to finance payment of a customer's deductible on terms different  
26 from terms offered to customers not making an insurance claim.  
27 (2) Promising or offering to provide any credit, incentive, gift, rebate, or  
28 special financing arrangement in satisfaction of all or part of an

1                    insurance deductible or co-payment owed by an insured under a policy  
2                    of insurance.

3                    (3) Advertise, promote, or represent by any media, telemarketers, or  
4                    others, that services are 'free' if in fact an insurer will pay for the  
5                    service or advertise or make offers for the purpose of soliciting a claim  
6                    against a property or casualty insurer.

7                    (4) Engage in offering to defer collection of, discount, or issue a  
8                    repayment of a customer's deductible based in whole, or in part, on the  
9                    availability of insurance coverage.

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

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

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