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SENATE BILL 6116

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State of Washington

58th Legislature

2004 Regular Session

By Senators Winsley, Prentice, Benton, McAuliffe, Franklin and Rasmussen

Read first time 01/12/2004. Referred to Committee on Financial Services, Insurance & Housing.

1 AN ACT Relating to establishing the Washington state autobody and  
2 glass repair consumer bill of rights; adding a new section to chapter  
3 48.18 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.18 RCW  
6 to read as follows:

7 (1) No insurer shall require that a motor vehicle be repaired at a  
8 specific motor vehicle repair or auto glass dealer.

9 (2)(a) No insurer shall suggest or recommend that a motor vehicle  
10 be repaired at a specific motor vehicle repair or auto glass dealer  
11 unless either of the following applies:

12 (i) A referral is expressly requested by the claimant; or

13 (ii) The claimant has been informed in writing of the right to  
14 select the motor vehicle repair or auto glass dealer.

15 (b) If the recommendation is accepted by the claimant, the insurer  
16 shall cause the damaged motor vehicle to be restored to its condition  
17 prior to the loss at no additional cost to the claimant other than as  
18 stated in the policy or as is otherwise allowed by law. If the  
19 recommendation of a motor vehicle repair dealer is done orally, and if

1 the oral recommendation is accepted by the claimant, the insurer shall  
2 provide the information contained in this section, as noted in the  
3 statement below, to the claimant at the time the recommendation is  
4 made. The insurer shall send the written notice within five calendar  
5 days from the oral recommendation. The written notice shall include  
6 the following statement plainly printed in no less than 10-point type:

7 "WE ARE PROHIBITED BY LAW FROM REQUIRING THAT REPAIRS BE DONE AT A  
8 SPECIFIC MOTOR VEHICLE REPAIR OR AUTO GLASS DEALER. YOU ARE ENTITLED  
9 TO SELECT THE AUTOBODY REPAIR OR AUTO GLASS SHOP TO REPAIR DAMAGE  
10 COVERED BY US. WE HAVE RECOMMENDED A MOTOR VEHICLE REPAIR OR AUTO  
11 GLASS DEALER THAT WILL REPAIR YOUR DAMAGED VEHICLE. IF YOU AGREE TO  
12 USE OUR RECOMMENDED MOTOR VEHICLE REPAIR OR AUTO GLASS DEALER, WE WILL  
13 CAUSE THE DAMAGED MOTOR VEHICLE TO BE RESTORED TO ITS CONDITION PRIOR  
14 TO THE LOSS AT NO ADDITIONAL COST TO YOU OTHER THAN AS STATED IN THE  
15 INSURANCE POLICY OR AS OTHERWISE ALLOWED BY LAW. IF YOU EXPERIENCE A  
16 PROBLEM WITH THE REPAIR OF YOUR MOTOR VEHICLE, PLEASE CONTACT US  
17 IMMEDIATELY FOR ASSISTANCE."

18 (3) Except as provided in subsection (2)(a)(i) of this section  
19 after the claimant has chosen a motor vehicle repair or auto glass  
20 dealer, the insurer shall not suggest or recommend that the claimant  
21 select a different motor vehicle repair or auto glass dealer.

22 (4) An insurer that, by the insurance contract, suggests or  
23 recommends that a motor vehicle be repaired at a particular motor  
24 vehicle repair or auto glass dealer shall also do both of the  
25 following:

26 (a) Prominently disclose the contractual provision in writing to  
27 the insured at the time the insurance is applied for and at the time  
28 the claim is acknowledged by the insurer; and

29 (b) If the claimant elects to have the vehicle repaired at the shop  
30 of his or her choice, the insurer shall not limit or discount the  
31 reasonable repair costs based on charges that would have been incurred  
32 had the vehicle been repaired by the insurer's chosen shop.

33 (5) For the purposes of this section, "claimant" means a first-  
34 party claimant or insured, or a third-party claimant who asserts a  
35 right of recovery for automotive repairs under an insurance policy.

1        NEW SECTION.   **Sec. 2.**   This act may be known and cited as the  
2   Washington state autobody and glass repair consumer bill of rights act.

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