

Senate Study Bill 1192 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY CHAIRPERSON
BOUSSELOT)

A BILL FOR

1 An Act relating to motor vehicle glass repair, replacement,
2 and insurance, making penalties applicable, and including
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **321B.1 Definitions.**

2 As used in this chapter:

3 1. "*Advanced driver assistance system*" means any motor
4 vehicle driving automation system that performs part or all
5 of the dynamic driving task, as described by the society of
6 automotive engineers international taxonomy and definitions for
7 terms related to driving automation systems for on-road motor
8 vehicles, under SAE J3016, as revised on April 30, 2021, and that
9 is designed to support the driver and motor vehicle in a manner
10 intended to do all of the following:

11 a. Enhance motor vehicle safety.

12 b. Reduce losses associated with motor vehicle crashes.

13 2. "*Insurance producer*" means as defined in section 522B.1,
14 and includes an agent of such producer.

15 3. "*Insured person*" means a person that is entitled, or may
16 be entitled, to receive first-party benefits or payments under an
17 insurance policy, and includes an agent of such person.

18 4. "*Insurer*" means as defined in section 522B.1, and includes
19 an agent of an insurer.

20 5. "*Motor vehicle glass*" means the glass and nonglass parts
21 associated with the replacement of the glass used in the
22 windshield, doors, or windows of a motor vehicle.

23 6. "*Motor vehicle glass repair shop*" or "*shop*" means any
24 person who repairs or replaces damaged motor vehicle glass for
25 consideration.

26 7. "*Notice*" means direct written communication including
27 communication conducted through electronic mail, text message, or
28 other electronic means which is directed to and easily accessible
29 by the consumer.

30 8. "*Repairing or replacing damaged motor vehicle glass*"
31 includes all of the following:

32 a. Inspecting, repairing, restoring, or replacing damaged
33 motor vehicle glass.

34 b. Calibrating or recalibrating an advanced driver assistance
35 system if the replacement of damaged motor vehicle glass is

1 required.

2 9. "*Rights or benefits under the policy*" includes the insured
3 person's right to receive any and all post-loss benefits
4 or payments available or payable under an insurance policy,
5 including but not limited to claim payments.

6 Sec. 2. NEW SECTION. **321B.2 Prohibited post-loss benefit**
7 **assignment.**

8 1. Prior to or after a claimed or covered loss, an insured
9 person shall not assign, delegate, or otherwise transfer, in
10 whole or in part, to any other person any of the following:

- 11 a. Duties under the policy.
12 b. Rights or benefits under the policy.

13 2. A contract that violates this section is void and
14 unenforceable.

15 3. Nothing in this section shall be construed to prohibit
16 an insured person from authorizing or directing payment to, or
17 paying, a person for services, materials, or any other expense
18 that may be or is covered under an insurance policy.

19 Sec. 3. NEW SECTION. **321B.3 Advanced driver assistance**
20 **systems.**

21 1. Prior to repairing or replacing damaged motor vehicle
22 glass for an insured person, a motor vehicle glass repair shop
23 shall notify the insured person whether the motor vehicle has an
24 advanced driver assistance system. If the motor vehicle has an
25 advanced driver assistance system, the shop shall also notify the
26 insured person of all of the following:

27 a. Whether calibration or recalibration of the motor
28 vehicle's advanced driver assistance system is needed after a
29 windshield repair or replacement, in accordance with the vehicle
30 manufacturer's recommendations.

31 b. Whether the shop intends to calibrate or recalibrate the
32 advanced driver assistance system in a manner that meets the
33 motor vehicle manufacturer's specifications.

34 c. If the shop is not capable of performing, or does
35 not intend to perform, a calibration or recalibration, the

1 shop shall advise the insured person to take the motor
2 vehicle to the vehicle manufacturer's certified dealership or
3 a qualified specialist capable of performing the calibration or
4 recalibration.

5 2. If calibration or recalibration of the motor vehicle's
6 advanced driver assistance system is performed, the shop
7 shall provide notice to the insured person of whether the
8 calibration or recalibration was successful. If the calibration
9 or recalibration was not successful, the shop shall advise
10 the insured person to take the motor vehicle to the vehicle
11 manufacturer's certified dealership or a qualified specialist
12 capable of performing the calibration or recalibration.

13 Sec. 4. NEW SECTION. **321B.4 Motor vehicle glass repair**
14 **claims and practices.**

15 1. A motor vehicle glass repair shop shall not contract with
16 a person to repair or replace damaged motor vehicle glass to be
17 paid for under a first-party insurance policy until verifying all
18 of the following:

19 a. The insured person has made a first-party claim for
20 repairing or replacing damaged motor vehicle glass under a motor
21 vehicle insurance policy.

22 b. The shop has received a claim or referral number for the
23 claim referenced under paragraph "a".

24 c. The requirements of section 321B.3, subsection 1, were
25 followed.

26 2. A shop shall do all of the following:

27 a. Provide the insured person a good faith estimate of the
28 fees and costs that are anticipated to be charged for repairing
29 or replacing damaged motor vehicle glass.

30 b. Prior to performing any repair or replacement service,
31 provide the insured person an updated estimate.

32 3. After repairing or replacing damaged motor vehicle glass,
33 a shop shall provide the insured person all of the following, as
34 applicable:

35 a. An itemized invoice and, upon payment, a receipt.

1 b. Notice that states whether the advanced driver assistance
2 system was successfully calibrated or recalibrated.

3 c. If the calibration or recalibration was not successful,
4 notice advising the insured person to not rely on the advanced
5 driver assistance system until the system has been successfully
6 calibrated or recalibrated by the vehicle manufacturer's
7 certified dealership or a qualified specialist capable of
8 performing the calibration or recalibration.

9 Sec. 5. NEW SECTION. **321B.5 Prohibited acts.**

10 1. A motor vehicle glass repair shop, and any other person
11 who is compensated for the solicitation of insurance claims,
12 shall not offer a rebate, gift, gift card, cash, coupon, fee,
13 prize, bonus, payment, incentive, inducement, or any other thing
14 of value to any insured person, insurance producer, or other
15 person in exchange for directing or making a claim under a
16 motor vehicle insurance policy for repair or replacement of motor
17 vehicle glass.

18 2. A shop shall not do any of the following:

19 a. Charge unreasonable fees or costs to an insured person
20 for repairing or replacing damaged motor vehicle glass. A fee
21 that exceeds an amount customarily charged for such service is
22 unreasonable.

23 b. Submit false, misleading, or incomplete documentation or
24 information to an insured person or an insurer for repairing or
25 replacing damaged motor vehicle glass.

26 c. Falsely sign a work order or other insurance-related form
27 relating to an insured person's claim, or potential claim, for a
28 repair or replacement of damaged motor vehicle glass.

29 d. Misrepresent the estimated fees and costs for repairing
30 or replacing damaged motor vehicle glass to an insured person or
31 insurer.

32 e. State that an insurer has approved repairing or replacing
33 damaged motor vehicle glass unless the shop does all of the
34 following:

35 (1) Verifies coverage directly with, or obtains approval

1 directly from, the insurance producer.

2 (2) Obtains confirmation of the coverage or approval by any
3 form of written or recorded communication.

4 f. State that repairing or replacing damaged motor vehicle
5 glass will be paid for entirely by an insurer and at no cost to
6 the insured person unless such coverage has been verified by the
7 insurer.

8 3. With respect to an insured person's claim, or potential
9 claim, for repairing or replacing damaged motor vehicle glass, a
10 shop shall not do any of the following, which results, or would
11 result, in a higher insurance payment or a change of insurance
12 coverage status:

13 a. Indicate that work was performed in a geographical area
14 that was not the geographical area where the work occurred.

15 b. Advise an insured person to falsify the date of damage.

16 4. With respect to an insured person's claim or potential
17 claim for repairing or replacing damaged motor vehicle glass, a
18 shop shall not do any of the following:

19 a. Damage, or encourage an insured person to damage, the
20 motor vehicle in order to increase the scope of work necessary
21 to repair or replace damaged motor vehicle glass.

22 b. Perform work that is clearly and substantially beyond the
23 level of work necessary to restore the motor vehicle to a safe
24 condition in accordance with accepted or approved reasonable and
25 customary techniques for repairing or replacing damaged motor
26 vehicle glass.

27 c. Misrepresent the shop's relationship to an insured person
28 or an insurer.

29 d. Perform any other act that constitutes fraud or
30 misrepresentation.

31 5. Any notice or invoice required under this chapter shall
32 be issued using the same font and size of font as the invoice,
33 estimate, or receipt.

34 Sec. 6. NEW SECTION. **321B.6 Right to choose motor vehicle**
35 **glass repair shop.**

1 1. An insured person that makes a first-party claim for
2 repairing or replacing damaged motor vehicle glass under a
3 motor vehicle insurance policy shall not be required to use
4 a particular motor vehicle glass repair shop to be paid claim
5 payments or receive other benefits under the policy.

6 2. Subsection 1 shall not be construed to do any of the
7 following:

8 a. Prohibit an insurer, insurance producer, insurance
9 adjuster, or any person acting on behalf of an insurer, insurance
10 producer, or insurance adjuster from recommending a shop or
11 providing an explanation to an insured person of the coverage
12 available, and any applicable liability limit, under the person's
13 insurance policy.

14 b. Prohibit an insurer from maintaining a network of motor
15 vehicle glass repair shops.

16 c. Create a private cause of action.

17 Sec. 7. NEW SECTION. **321B.7 Presumption.**

18 It may be presumed that a motor vehicle glass repair shop
19 is acting knowingly in violation of section 321B.5 if the shop
20 engages in a regular and consistent pattern of a prohibited
21 activity.

22 Sec. 8. NEW SECTION. **321B.8 Penalty.**

23 A person who violates a provision of this chapter commits an
24 unfair trade practice under chapter 507B.

25 Sec. 9. Section 507B.3, Code 2025, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 01. A person who violates a provision in
28 chapter 321B shall be deemed to have committed an unfair trade
29 practice under this chapter.

30 Sec. 10. **APPLICABILITY.** This Act applies to insurance
31 policies issued or renewed on or after the effective date of this
32 Act.

33 **EXPLANATION**

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill relates to motor vehicle glass repair, replacement,
2 and insurance.

3 The bill regulates the post-loss assignment of benefits,
4 calibration of advanced driver assistance systems, and motor
5 vehicle glass repair claims and practices, prohibits certain
6 related acts, provides a right for an insured person to choose
7 a motor vehicle glass repair shop, establishes presumptions
8 if repair shops engage in regular and consistent patterns of
9 prohibited activity, and makes penalties applicable.

10 The bill includes requirements for motor vehicle glass repair
11 shops to notify insured persons about glass on vehicles with
12 advanced driver assistance systems, including vehicle driving
13 automation systems that perform part or all of the dynamic
14 driving task on a sustained basis to enhance motor vehicle
15 safety and reduce losses associated with motor vehicle crashes.
16 By reference, the bill incorporates six levels of driving
17 automation, ranging from no driving automation (level 0) to full
18 driving automation (level 5), as described in the most recent
19 version of the society of automotive engineers international
20 levels of driving automation bulletin.

21 A person who violates a provision of the bill is subject
22 to entry of a cease and desist order, may be ordered by the
23 commissioner of insurance to pay a civil penalty ranging from
24 \$1,000 to \$50,000 under Code section 507B.7, and if the person
25 has a license to operate the person's business, the license is
26 subject to suspension or revocation.