S-3567.2

SENATE BILL 5871

State of Washington 69th Legislature 2026 Regular Session

By Senators Cortes, Dozier, Hasegawa, and Lovick

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AN ACT Relating to motor vehicle glass repair claims; amending RCW 48.30.340; adding a new chapter to Title 48 RCW; recodifying RCW 48.30.340; and providing an effective date.

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

NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced driver assistance system" means any motor vehicle electronic safety system, as outlined in the most recent version of SAE international's SAE J3016 levels of driving automation, that is designed to support the driver and motor vehicle in a manner intended to:

(a) Increase motor vehicle safety; and

(b) Reduce losses associated with motor vehicle crashes.

(2)(a) "Insurance producer" means an individual or business entity required to be licensed under the laws of this state to sell, solicit, or negotiate insurance or annuity contracts.

(b) "Insurance producer" includes an agent, a managing general agent, a surplus line broker, a reinsurance intermediary broker and manager, a rental vehicle agent and rental vehicle agent managing employee, and a consultant.

(3) "Insured" means a person that is entitled, or may be entitled, to receive first-party benefits or payments under an insurance policy.

(4) "Motor vehicle glass" means the glass and nonglass parts associated with the replacement of the glass used in the windshield, doors, or windows of a motor vehicle.

(5) "Motor vehicle glass repair shop" means any person, including the person's employees and agents, that for consideration engages in the repair or replacement of damaged motor vehicle glass.

(6) "Notice" means direct written communications that are easily accessible by the consumer, including verifiable text, email, or app-based messaging.

(7) "Repair or replacement" includes:

(a) Inspecting, repairing, restoring, or replacing damaged motor vehicle glass; and

(b) Calibrating or recalibrating an advanced driver assistance system when an incident requires the replacement of damaged motor vehicle glass.

(8) "Rights or benefits under the policy" includes the insured's right to receive any postloss benefits or payments available or payable under the policy including, but not limited to, claim payments.

NEW SECTION. **Sec. 2.** (1) An insured under a property and casualty insurance policy may not, either prior to or after a claimed or covered loss, assign, delegate, or otherwise transfer, in whole or in part, to any other person, the insured's:

(a) Duties under the policy; or

(b) Rights or benefits under the policy.

(2) Any contract entered in violation of this section is void and unenforceable.

(3) Nothing in this section may be construed to prohibit an insured from authorizing or directing payment to, or paying, a person for services, materials, or any other thing which may be, or is, covered under an insurance policy.

NEW SECTION. **Sec. 3.** (1) Prior to providing service to an insured for the repair or replacement of damaged motor vehicle glass, a motor vehicle glass repair shop must notify the insured of whether the motor vehicle has an advanced driver assistance system. If the

motor vehicle has an advanced driver assistance system, the motor vehicle glass repair shop must further notify the insured of the following:

(a) Whether calibration or recalibration of the motor vehicle's advanced driver assistance system is needed after a windshield repair or replacement as recommended by the vehicle manufacturer;

(b) Whether the motor vehicle glass repair shop intends to calibrate or recalibrate the advanced driver assistance system in a manner that meets the motor vehicle manufacturer's specifications; and

(c) If the motor vehicle glass repair shop is not capable of performing or does not intend to perform a calibration or recalibration referenced in (a) of this subsection, that the motor vehicle should be taken to the vehicle manufacturer's certified dealership or a qualified specialist capable of performing the calibration or recalibration.

(2) If calibration or recalibration of the motor vehicle's advanced driver assistance system is performed, the motor vehicle glass repair shop must provide written notice to the insured:

(a) As to whether the calibration or recalibration was successful; and

(b) If the calibration or recalibration was not successful, that:

(i) The motor vehicle should be taken to the vehicle manufacturer's certified dealership or a qualified specialist capable of performing the calibration or recalibration; and

(ii) The insured should not rely on the advanced driver assistance system until it has been successfully calibrated or recalibrated by the vehicle manufacturer's certified dealership or a qualified specialist capable of performing the calibration or recalibration.

NEW SECTION. **Sec. 4.** (1) A motor vehicle glass repair shop may not contract with a person for the repair or replacement of damaged motor vehicle glass to be paid for under a first-party insurance policy until all of the following are satisfied:

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

(b) The motor vehicle glass repair shop has received a claim or referral number for the claim under (a) of this subsection; and

(c) The requirements of section 3(1) of this act are satisfied.

(2) A motor vehicle glass repair shop shall:

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

(b) Prior to performing service, provide the insured an updated estimate; and

(c) Not charge more than the reasonable and customary fees and costs to an insured for a repair or replacement of damaged motor vehicle glass and any associated calibration or recalibration of the motor vehicle's advanced driver assistance system as recommended by the vehicle manufacturer's specifications.

(3) A motor vehicle glass repair shop shall provide the insured upon completion of a repair or replacement of damaged motor vehicle glass:

(a) An itemized invoice and, upon payment, a receipt; and

(b) Written notice that states whether or not the advanced driver assistance system was successfully calibrated or recalibrated as required under section 3(2) of this act.

NEW SECTION. **Sec. 5.** (1) A motor vehicle glass repair shop, or any other person who is compensated for the solicitation of insurance claims, may not offer a rebate, gift, gift card, cash, coupon, fee, prize, bonus, payment, incentive, inducement, or any other thing of value to any insured, insurance producer, or other person in exchange for directing or making a claim under a motor vehicle insurance policy for a repair or replacement of damaged motor vehicle glass.

(2) A motor vehicle glass repair shop may not:

(a) Charge higher fees and costs to an insured for a repair or replacement of damaged motor vehicle glass than are reasonable and customarily charged in this state;

(b) Submit false, misleading, or incomplete documentation or information to an insured or an insured's insurer, including any agent of the insured or insurer, for a repair or replacement of damaged motor vehicle glass;

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

(i) Indicate that work was performed in a geographical area that was not the geographical area where the work occurred; or

(ii) Advise an insured to falsify the date of damage;

(d) Falsely sign a work order or other insurance-related form relating to an insured's claim, or potential claim, for a repair or replacement of damaged motor vehicle glass;

(e) Misrepresent to an insured or the insured's insurer, including any agent of the insured or insurer, the price of a proposed repair or replacement of damaged motor vehicle glass;

(f) State that an insured's insurer has approved a repair or replacement of damaged motor vehicle glass without:

(i) Verifying coverage directly with, or obtaining approval directly from, the insurer or the insurer's agent; and

(ii) Obtaining confirmation of the coverage or approval by facsimile, email, or other written or recorded communication;

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

(h) With respect to an insured's claim or potential claim for a repair or replacement of damaged motor vehicle glass:

(i) Damage, or encourage an insured to damage, the motor vehicle in order to increase the scope of the repair or replacement of damaged motor vehicle glass;

(ii) Perform work that is clearly and substantially beyond the level of work necessary to restore the motor vehicle to a safe predamaged condition in accordance with accepted or approved reasonable and customary techniques for the repair or replacement of damaged motor vehicle glass;

(iii) Misrepresent the motor vehicle glass repair shop's relationship to an insured or the insurer's agent; or

(iv) Perform any other act that constitutes fraud or misrepresentation.

(3) Any notice or invoice required under this chapter must be issued in the same size font as the invoice, estimate, or receipt.

(4) There is a presumption that a motor vehicle glass repair shop is acting knowingly in violation of this section if the motor vehicle glass repair shop engages in a regular and consistent pattern of activity prohibited under this section.

NEW SECTION. **Sec. 6.** (1) In accordance with RCW 48.30.340(1) (as recodified by this act), an insured that makes a first-party claim for a repair or replacement of damaged motor vehicle glass under a motor vehicle insurance policy may not be required to use a particular motor vehicle glass repair shop to receive claim payments or other benefits under the policy.

(2) This section may not be construed to:

(a) Prohibit an insurer, insurance producer, insurance adjuster, or any person acting on behalf of an insurer, insurance producer, or insurance adjuster from recommending a motor vehicle glass repair shop or providing an explanation to an insured of the coverage available, and any applicable liability limit, under any insurance policy;

(b) Prohibit an insurer from maintaining a network of motor vehicle glass repair shops, subject to the requirements of RCW 48.30.340 (as recodified by this act); or

(c) Create a private cause of action.

NEW SECTION. **Sec. 7.** The commissioner may adopt rules as necessary, including penalties applicable to motor vehicle glass repair shops, to implement and administer this chapter.

NEW SECTION. **Sec. 8.** This chapter applies to insurance policies issued or renewed on or after the effective date of this section.

NEW SECTION. **Sec. 9.** This chapter may be known and cited as the Washington motor vehicle glass act.

NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute a new chapter in Title 48 RCW.

Sec. 11. RCW 48.30.340 and 2007 c 74 s 1 are each amended to read as follows:

(1) A person in this state has the right to choose any ((~~glass repair facility~~)) motor vehicle glass repair shop for the repair of a loss relating to motor vehicle glass.

(2) An insurer or its third-party administrator that owns in whole or in part ((~~an automobile glass repair facility~~)) a motor vehicle glass repair shop that is processing a claim limited only to auto glass shall:

(a) Verbally inform the person making the claim of loss, of the right provided under subsection (1) of this section, at the time information regarding the ((~~automobile glass repair or replacement facilities~~)) motor vehicle glass repair shop is provided; and

(b) Verbally inform the person making the claim of loss that the third-party administrator is an entity separate from the insurer that has a financial arrangement to process automobile glass claims on the insurer's behalf.

(3) An insurer or its third-party administrator that owns an interest in ((~~an automobile glass repair or replacement facility~~)) a motor vehicle glass repair shop shall post the following notice in each of its repair facilities:

"THIS ((~~AUTOMOBILE GLASS REPAIR OR REPLACEMENT FACILITY~~)) MOTOR VEHICLE GLASS REPAIR SHOP IS OWNED IN WHOLE OR IN PART BY (NAME OF INSURER OR INSURER'S THIRD-PARTY ADMINISTRATOR). YOU ARE HEREBY NOTIFIED THAT YOU ARE ENTITLED UNDER WASHINGTON LAW TO SEEK REPAIRS AT ANY ((~~AUTOMOBILE GLASS REPAIR OR REPLACEMENT FACILITY~~)) MOTOR VEHICLE GLASS REPAIR SHOP OF YOUR CHOICE."

The notice must be posted, in not less than ((~~eighteen~~)) 18 point font, prominently in a location in which it is likely to be seen and read by a customer. If the ((~~automobile glass repair or replacement facility~~)) motor vehicle glass repair shop is mobile, the notice must be given to the person making the claim verbally by the insurer or its third-party administrator prior to commencement of the repair or replacement.

(4) A person making a claim of loss whose motor vehicle is repaired at ((~~an automotive glass repair or replacement facility~~)) a motor vehicle glass repair shop subject to the notice requirements of this section may file a complaint with the office of the insurance commissioner.

(5) This section does not create a private right or cause of action to or on behalf of any person.

NEW SECTION. **Sec. 12.** RCW 48.30.340 is recodified as a section in chapter 48.--- RCW (the new chapter created in section 10 of this act).

NEW SECTION. **Sec. 13.** This act takes effect July 1, 2026.

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