

House Engrossed Senate Bill

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 161

# **SENATE BILL 1238**

AN ACT

AMENDING TITLE 20, CHAPTER 2, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-469.01; RELATING TO AUTO GLASS REPAIR.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 20, chapter 2, article 6, Arizona Revised Statutes,  
3 is amended by adding section 20-469.01, to read:  
4 20-469.01. Third party administrator; glass; violation;  
5 classification; definition  
6 A. IF A THIRD PARTY ADMINISTRATOR RECOMMENDS OR PROVIDES INFORMATION  
7 ABOUT A GLASS REPAIR FACILITY TO A CUSTOMER, THE THIRD PARTY ADMINISTRATOR  
8 SHALL INFORM THE PERSON OF THE PERSON'S RIGHT PRESCRIBED IN SECTION 20-469 TO  
9 CHOOSE ANY GLASS REPAIR FACILITY FOR THE REPAIR OF THE LOSS RELATING TO MOTOR  
10 VEHICLE GLASS AT THE SAME TIME AS MAKING THE RECOMMENDATION OR PROVIDING  
11 INFORMATION. AN INDEPENDENT ADJUSTER OR A THIRD PARTY ADMINISTRATOR'S  
12 AUTOMOTIVE PHYSICAL DAMAGE APPRAISER OR CLAIMS INSPECTOR FOR AUTOMOTIVE GLASS  
13 REPAIR OR REPLACEMENT WORK IN CONNECTION WITH AN INSPECTION LIMITED TO  
14 AUTOMOTIVE GLASS REPAIR OR REPLACEMENT SHALL NOT RECOMMEND ANY PARTICULAR  
15 GLASS REPAIR FACILITY.  
16 B. THIS SECTION SHALL NOT APPLY TO ANY EMPLOYEE OR INSURANCE PRODUCER  
17 OF AN INSURER.  
18 C. THIS SECTION SHALL NOT CREATE A PRIVATE RIGHT OF ACTION.  
19 D. A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A PETTY  
20 OFFENSE FOR A FIRST VIOLATION AND, NOTWITHSTANDING SECTION 13-802, SHALL PAY  
21 A FINE OF ONE THOUSAND FIVE HUNDRED DOLLARS FOR A SECOND VIOLATION WITHIN  
22 EIGHTEEN MONTHS AFTER A PRIOR VIOLATION OF THIS SECTION AND THREE THOUSAND  
23 DOLLARS FOR ANY SUBSEQUENT VIOLATION WITHIN EIGHTEEN MONTHS AFTER A PRIOR  
24 VIOLATION OF THIS SECTION.  
25 E. FOR THE PURPOSES OF DETERMINING WHETHER A DEFENDANT ACTED  
26 KNOWINGLY, IT MAY BE PRESUMED THAT THE PERSON HAD KNOWLEDGE IF THE PERSON WAS  
27 ENGAGED IN A REGULAR AND CONSISTENT PATTERN OF THE PROHIBITED ACTIVITY.  
28 F. FOR THE PURPOSES OF THIS SECTION "THIRD PARTY ADMINISTRATOR" MEANS  
29 ANY PERSON WHO PROVIDES ADMINISTRATIVE SERVICE OR ADJUSTS OR SETTLES CLAIMS  
30 IN CONNECTION WITH AUTOMOBILE GLASS REPAIR INSURANCE COVERAGE.

APPROVED BY THE GOVERNOR APRIL 18, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2011.

Passed the House April 12, 2011,

Passed the Senate March 9, 2011,

by the following vote: 33 Ayes,

by the following vote: 24 Ayes,

26 Nays, 1 Not Voting

5 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**S.B. 1238**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 13, 20 11

by the following vote: 27 Ayes,

3 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

13 day of April, 20 11

at 4:25 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 18<sup>th</sup> day of

April

at 2:55 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 18<sup>th</sup> day of April, 20 11

S.B. 1238

at 5:04 o'clock P. M.

[Signature]  
Secretary of State