

ADVANCED DRIVER ASSISTANCE SYSTEMS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

This bill renumbers and amends provisions regarding advanced driver assistance systems.

Highlighted Provisions:

This bill:

- ▶ moves regulations regarding the repair and recalibration of advanced driver assistance systems under the administration and enforcement of the Division of Consumer Protection; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-2-1, as last amended by Laws of Utah 2020, Chapter 118

ENACTS:

13-58-101, Utah Code Annotated 1953

13-58-102, Utah Code Annotated 1953

RENUMBERS AND AMENDS:



28 **13-58-201**, (Renumbered from 41-6a-1645, as enacted by Laws of Utah 2020, Chapter
29 267)



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **13-2-1** is amended to read:

33 **13-2-1. Consumer protection division established -- Functions.**

34 (1) There is established within the Department of Commerce the Division of Consumer
35 Protection.

36 (2) The division shall administer and enforce the following:

- 37 (a) Chapter 5, Unfair Practices Act;
- 38 (b) Chapter 10a, Music Licensing Practices Act;
- 39 (c) Chapter 11, Utah Consumer Sales Practices Act;
- 40 (d) Chapter 15, Business Opportunity Disclosure Act;
- 41 (e) Chapter 20, New Motor Vehicle Warranties Act;
- 42 (f) Chapter 21, Credit Services Organizations Act;
- 43 (g) Chapter 22, Charitable Solicitations Act;
- 44 (h) Chapter 23, Health Spa Services Protection Act;
- 45 (i) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 46 (j) Chapter 26, Telephone Fraud Prevention Act;
- 47 (k) Chapter 28, Prize Notices Regulation Act;
- 48 (l) Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;
- 49 (m) Chapter 34, Utah Postsecondary Proprietary School Act;
- 50 (n) Chapter 34a, Utah Postsecondary School State Authorization Act;
- 51 (o) Chapter 39, Child Protection Registry;
- 52 (p) Chapter 41, Price Controls During Emergencies Act;
- 53 (q) Chapter 42, Uniform Debt-Management Services Act;
- 54 (r) Chapter 49, Immigration Consultants Registration Act;
- 55 (s) Chapter 51, Transportation Network Company Registration Act;
- 56 (t) Chapter 52, Residential Solar Energy Disclosure Act;
- 57 (u) Chapter 53, Residential, Vocational and Life Skills Program Act;
- 58 (v) Chapter 54, Ticket Website Sales Act;

- 59 (w) Chapter 56, Ticket Transferability Act; ~~[and]~~
- 60 (x) Chapter 57, Maintenance Funding Practices Act~~[-];~~ and
- 61 (y) Chapter 58, Advanced Driver Assistance Systems Act.

62 Section 2. Section **13-58-101** is enacted to read:

63 **CHAPTER 58. ADVANCED DRIVER ASSISTANCE SYSTEMS ACT**
 64 **13-58-101. Title.**

65 This chapter is known as "Advanced Driver Assistance Systems Act."

66 Section 3. Section **13-58-102** is enacted to read:

67 **13-58-102. Definitions.**

68 As used in this chapter:

69 (1) "Advanced driver assistance system" means an electronic safety system designed to
 70 support the driver and vehicle while operating on roads and highways that is intended to
 71 increase vehicle safety and reduce losses associated with automobile crashes.

72 (2) "Highway" means the same as that term is defined in Section [41-6a-102](#).

73 (3) "Motor vehicle" means the same as that term is defined in Section [41-6a-102](#).

74 (4) "Operate" means the same as that term is defined in Section [41-1a-102](#).

75 (5) "Person" means the same as that term is defined in Section [41-6a-102](#).

76 (6) "Vehicle" means the same as that term is defined in Section [41-6a-102](#).

77 Section 4. Section **13-58-201**, which is renumbered from Section 41-6a-1645 is
 78 renumbered and amended to read:

79 ~~[41-6a-1645].~~ **13-58-201. Advanced driver assistance systems -- Repair,**
 80 **calibration, and disclosure.**

81 ~~[(1) As used in this section, "advanced driver assistance system" means an electronic~~
 82 ~~safety system designed to support the driver and vehicle while operating on roads and highways~~
 83 ~~that is intended to increase vehicle safety and reduce losses associated with automobile~~
 84 ~~crashes.]~~

85 ~~[(2)]~~ (1) If the vehicle is equipped with an advanced driver assistance system, an
 86 automotive glass company or repair facility approving or conducting glass repair, replacement,
 87 or recalibration shall:

88 (a) before approving or performing a vehicle glass repair or replacement, inform the
 89 consumer if a recalibration of that system is required and if such recalibration will be

90 performed; and

91 (b) if performing such recalibration, meet or exceed the manufacturer's specifications.

92 ~~[(3)]~~ (2) (a) The automotive glass company or repair facility shall provide the
93 consumer:

94 (i) an itemized description of the work to be done on the vehicle; and

95 (ii) if an insurer is paying all or part of the repair, the total amount the insurer has
96 agreed to pay for the work described in Subsection ~~[(3)(a)(i)]~~ (2)(a)(i).

97 (b) An insurance company that makes payment for work described in Subsection
98 ~~[(3)(a)]~~ (2)(a) may not be required to pay more than a fair and competitive price for the local
99 market area.

100 (c) An automotive glass company or repair facility may not represent to a customer that
101 the cost of a repair, replacement, or recalibration will be paid for entirely by the customer's
102 insurer and at no cost to the customer unless the cost of the repair, replacement, or recalibration
103 is fully covered and approved by the insurer.

104 (d) If a recalibration was not performed or not completed successfully, the automotive
105 glass company or repair facility shall inform the consumer electronically or in writing that the
106 recalibration was not successful or was not performed and that the vehicle should be taken to a
107 vehicle manufacturer's certified dealership, a qualified automobile glass company, or repair
108 facility capable of performing the recalibration of an advanced driver assistance system that
109 meets or exceeds the manufacturer's specifications.

110 ~~[(4)]~~ (3) An automotive glass company or repair facility conducting a scan or
111 recalibration for vehicle glass repair or replacement services on a vehicle equipped with an
112 advanced driver assistance system:

113 (a) is not limited to vehicle glass, tooling, or equipment dictated or recommended by
114 the manufacturer's procedures or specifications; and

115 (b) shall recalibrate the advanced driver assistance system to meet or exceed the
116 manufacturer's procedures or specifications.

117 ~~[(5)]~~ (4) An automotive glass company or repair facility may only bill or charge for
118 vehicle glass repair, replacement, or recalibration services that are performed and necessary.

119 ~~[(6)]~~ (5) A person with actual knowledge that the advanced driver assistance system of
120 a motor vehicle is inoperable or has not been repaired or recalibrated after a vehicle glass repair

121 or replacement as described in this section may not knowingly sell, offer for sale, or display for
122 sale, the motor vehicle without providing written notice to the purchaser that:

123 (a) the advanced driver assistance system has not been repaired or recalibrated to the
124 manufacturer's specifications; or

125 (b) the advanced driver assistance system is inoperable.

126 ~~[(7)]~~ (6) A violation described in Subsections (1) through ~~[(6)]~~ (5) is a civil penalty of
127 \$500.

128 ~~[(8)]~~ (7) (a) In addition to any other penalties, a purchaser may bring a civil action to
129 recover damages resulting from a seller's failure to provide notice under Subsection ~~[(6)]~~ (5).

130 (b) The amount of damages that may be recovered in a civil action described in
131 Subsection ~~[(8)(a)]~~ (7)(a) is the greater of:

132 (i) the amount of the actual damages; or

133 (ii) \$1,500.