

SB0078S01 compared with SB0078

~~{deleted text}~~ shows text that was in SB0078 but was deleted in SB0078S01.

inserted text shows text that was not in SB0078 but was inserted into SB0078S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{ADVANCED DRIVER ASSISTANCE SYSTEMS}~~ Senator Curtis Bramble proposes the following substitute bill:

MOTOR VEHICLE REPAIR 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}~~ related to advanced driver assistance ~~{systems}~~ facilities and enacts provisions related to motor vehicle glass repair.

Highlighted Provisions:

This bill:

- ▶ ~~{moves regulations regarding}~~ amends provisions related to the repair and recalibration of an advanced driver assistance ~~{systems under the administration and enforcement of the Division of Consumer Protection}~~ feature;
- ▶ establishes a violation of a provision related to an advanced driver assistance feature as an infraction;
- ▶ enacts provisions related to motor vehicle glass repair; and

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- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{13-2-1}~~41-6a-1645, as ~~{last amended}~~enacted by Laws of Utah 2020, Chapter
~~{118}~~267

ENACTS:

~~{13-58-101}~~41-6a-1646, Utah Code Annotated 1953
~~{13-58-102}~~, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

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

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

Section 1. Section ~~{13-2-1}~~41-6a-1645 is amended to read:

~~{13-2-1. Consumer protection division established -- Functions.~~

~~———— (1) There is established within the Department of Commerce the Division of
Consumer Protection.~~

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

~~———— (a) Chapter 5, Unfair Practices Act;~~

~~———— (b) Chapter 10a, Music Licensing Practices Act;~~

~~———— (c) Chapter 11, Utah Consumer Sales Practices Act;~~

~~———— (d) Chapter 15, Business Opportunity Disclosure Act;~~

~~———— (e) Chapter 20, New Motor Vehicle Warranties Act;~~

~~———— (f) Chapter 21, Credit Services Organizations Act;~~

~~———— (g) Chapter 22, Charitable Solicitations Act;~~

~~———— (h) Chapter 23, Health Spa Services Protection Act;~~

~~———— (i) Chapter 25a, Telephone and Facsimile Solicitation Act;~~

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- ~~— (j) Chapter 26, Telephone Fraud Prevention Act;~~
- ~~— (k) Chapter 28, Prize Notices Regulation Act;~~
- ~~— (l) Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;~~
- ~~— (m) Chapter 34, Utah Postsecondary Proprietary School Act;~~
- ~~— (n) Chapter 34a, Utah Postsecondary School State Authorization Act;~~
- ~~— (o) Chapter 39, Child Protection Registry;~~
- ~~— (p) Chapter 41, Price Controls During Emergencies Act;~~
- ~~— (q) Chapter 42, Uniform Debt-Management Services Act;~~
- ~~— (r) Chapter 49, Immigration Consultants Registration Act;~~
- ~~— (s) Chapter 51, Transportation Network Company Registration Act;~~
- ~~— (t) Chapter 52, Residential Solar Energy Disclosure Act;~~
- ~~— (u) Chapter 53, Residential, Vocational and Life Skills Program Act;~~
- ~~— (v) Chapter 54, Ticket Website Sales Act;~~
- ~~— (w) Chapter 56, Ticket Transferability Act; [and]~~
- ~~— (x) Chapter 57, Maintenance Funding Practices Act[.]; and~~
- ~~— (y) Chapter 58, Advanced Driver Assistance Systems Act.~~

~~— Section 2. Section 13-58-101 is enacted to read:~~

~~CHAPTER 58. ADVANCED DRIVER ASSISTANCE SYSTEMS ACT~~

~~— 13-58-101. Title:~~

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

~~— Section 3. Section 13-58-102 is enacted to read:~~

~~— 13-58-102. Definitions:~~

~~— As used in this chapter:~~

- ~~— (1) "Advanced driver assistance system" means an electronic safety system designed to support the driver and vehicle while operating on roads and highways that is intended to increase vehicle safety and reduce losses associated with automobile crashes.~~
- ~~— (2) "Highway" means the same as that term is defined in Section 41-6a-102.~~
- ~~— (3) "Motor vehicle" means the same as that term is defined in Section 41-6a-102.~~
- ~~— (4) "Operate" means the same as that term is defined in Section 41-1a-102.~~
- ~~— (5) "Person" means the same as that term is defined in Section 41-6a-102.~~

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

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

~~[41-6a-1645].~~ ~~13-58-201. Advanced~~ 41-6a-1645. Advanced driver assistance ~~{systems}~~ facilities -- Repair, calibration, and disclosure -- Penalties.

~~{}~~(1) As used in this section, "advanced driver assistance ~~[system]~~ feature" means an electronic safety system that is:

(a) designed to support the driver and vehicle while operating on roads and highways [that is]:

(b) intended to increase vehicle safety and reduce losses associated with automobile crashes~~{.}~~

~~{(2)}~~ ~~(1) If the~~ ; and

(c) tied to the windshield of a vehicle.

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

(a) before approving or performing a vehicle glass repair or replacement, inform the consumer in electronic or hardcopy writing if a recalibration of ~~[that system]~~ the advanced driver assistance feature:

(i) is required ~~[and if such recalibration]; or~~

(ii) will be performed; and

(b) if performing ~~[such]~~ a recalibration of an advanced driver assistance feature, meet or exceed the manufacturer's specifications.

~~{(3)}~~ ~~{(2)}~~ (a) The automotive glass company or repair facility shall provide the consumer:

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

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

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

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

(d) If a recalibration was not performed or not completed successfully, the automotive glass company or repair facility shall inform the consumer electronically or in writing that:

(i) the recalibration was not successful or was not performed; and

(ii) that the vehicle should be taken to a vehicle manufacturer's certified dealership, a qualified automobile glass company, or repair facility capable of performing the recalibration of an advanced driver assistance [system] feature that meets or exceeds the manufacturer's specifications.

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

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

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

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

~~[(6)] [(5)]~~ A person with actual knowledge that [the] an advanced driver assistance [system] feature of a motor vehicle is inoperable or has not been repaired or recalibrated [after a vehicle glass repair or replacement as described in this section] may not knowingly sell, offer for sale, or display for sale, the motor vehicle without providing written notice to the purchaser that:

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

(b) the advanced driver assistance [system] feature is inoperable.

~~[(7)] [(6)]~~ A violation described in Subsections (1) through ~~[(6)] [(5)]~~ is a civil penalty of \$500. ~~[(8)] [(7)]~~

~~[(8)] [(7)]~~

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(7) A person who violates a provision of this section is:

(a) guilty of an infraction; and

(b) subject to a civil penalty of \$500.

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

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

(i) the amount of the actual damages; or

(ii) \$1,500.

Section 2. Section 41-6a-1646 is enacted to read:

41-6a-1646. Motor vehicle glass repair requirements -- Penalties.

(1) An automotive glass company or repair facility shall provide a consumer seeking motor vehicle glass repair or replacement:

(a) an electronic or hardcopy written and itemized description of the work to be done on the vehicle; and

(b) if an insurer is paying all or part of the repair, the total amount the insurer has agreed to pay for the work described in Subsection (1)(a).

(2) An insurance company that pays for work described in Subsection (1)(a) may not be required to pay more than a fair and competitive price for the local market area.

(3) An automotive glass company or repair facility:

(a) may not represent to a customer that the cost of a repair or replacement will be paid for entirely by the customer's insurer and at no cost to the customer unless the cost of the repair or replacement is fully covered and approved by the insurer; and

(b) is not limited to vehicle glass, tooling, or equipment dictated or recommended by the manufacturer's procedures or specifications.

(c) may only bill or charge for vehicle glass repair, replacement, or recalibration services that are performed and necessary.

(4) A person who violates a provision of this section is:

(a) guilty of an infraction; and

(b) subject to a civil penalty of \$500.