

Senator Curtis S. Bramble proposes the following substitute bill:

MOTOR VEHICLE REPAIR AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Joel Ferry

LONG TITLE

General Description:

This bill amends provisions related to advanced driver assistance facilities and enacts provisions related to motor vehicle glass repair.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to the repair and recalibration of an advanced driver assistance 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
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-1645, as enacted by Laws of Utah 2020, Chapter 267



26 ENACTS:

27 **41-6a-1646**, Utah Code Annotated 1953



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

30 Section 1. Section **41-6a-1645** is amended to read:

31 **41-6a-1645. Advanced driver assistance facilities -- Repair, calibration, and**
32 **disclosure -- Penalties.**

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

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

37 (b) intended to increase vehicle safety and reduce losses associated with automobile
38 crashes[-]; and

39 (c) tied to the windshield of a vehicle.

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

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

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

47 (ii) will be performed; and

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

50 (3) (a) The automotive glass company or repair facility shall provide the consumer:

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

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

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

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

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

63 (i) the recalibration was not successful or was not performed; and ~~[that]~~

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

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

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

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

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

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

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

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

85 (b) This Subsection (6) does not apply to:

86 (i) a motor vehicle auction or consignor to a motor vehicle auction, if no disclosure is
87 required under Section [41-1a-1005.3](#); or

88 (ii) a vehicle for which the ownership document is:
89 (A) a certification of title in an insurance company's name;
90 (B) a salvage certificate, as defined in Section 41-1a-1001; or
91 (C) a nonrepairable certificate, as defined in Section 41-1a-1001.
92 ~~[(7) A violation described in Subsections (1) through (6) is a civil penalty of \$500.]~~
93 (7) A person who violates a provision of this section is:
94 (a) guilty of an infraction; and
95 (b) subject to a civil penalty of \$500.
96 (8) (a) In addition to any other penalties, a purchaser may bring a civil action to recover
97 damages resulting from a seller's failure to provide notice under Subsection (6).
98 (b) The amount of damages that may be recovered in a civil action described in
99 Subsection (8)(a) is the greater of:
100 (i) the amount of the actual damages; or
101 (ii) \$1,500.
102 Section 2. Section **41-6a-1646** is enacted to read:
103 **41-6a-1646. Motor vehicle glass repair requirements -- Penalties.**
104 (1) An automotive glass company or repair facility shall provide a consumer seeking
105 motor vehicle glass repair or replacement:
106 (a) an electronic or hardcopy written and itemized description of the work to be done
107 on the vehicle; and
108 (b) if an insurer is paying all or part of the repair, the total amount the insurer has
109 agreed to pay for the work described in Subsection (1)(a).
110 (2) An insurance company that pays for work described in Subsection (1)(a) may not
111 be required to pay more than a fair and competitive price for the local market area.
112 (3) An automotive glass company or repair facility:
113 (a) may not represent to a customer that the cost of a repair or replacement will be paid
114 for entirely by the customer's insurer and at no cost to the customer unless the cost of the repair
115 or replacement is fully covered and approved by the insurer;
116 (b) is not limited to vehicle glass, tooling, or equipment dictated or recommended by
117 the manufacturer's procedures or specifications; and
118 (c) may only bill or charge for vehicle glass repair, replacement, or recalibration

119 services that are performed and necessary.

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

121 (a) guilty of an infraction; and

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