

## SB0078S02 compared with SB0078S01

~~text~~ shows text that was in SB0078S01 but was deleted in SB0078S02.

text shows text that was not in SB0078S01 but was inserted into SB0078S02.

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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: \_\_\_\_\_

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#### 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:

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None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

ENACTS:

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

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

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

**41-6a-1645. Advanced driver assistance 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[~~;~~]; 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) (a) The automotive glass company or repair facility shall provide the consumer:

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

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

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

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

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

(ii) a vehicle for which the ownership document is:

(A) a certification of title in an insurance company's name;

(B) a salvage certificate, as defined in Section 41-1a-1001; or

(C) a nonrepairable certificate, as defined in Section 41-1a-1001.

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

(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 (6).

(b) The amount of damages that may be recovered in a civil action described in Subsection (8)(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:

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(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~~; and~~

(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.