S T A T E O F N E W Y O R K

7235

2013-2014 Regular Sessions

I N A S S E M B L Y

May 8, 2013

Introduced by M. of A. ENGLEBRIGHT, MAISEL, COOK, ROBERTS, JACOBS -- Multi-Sponsored by -- M. of A. BRENNAN, FAHY, GALEF, RIVERA -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to establishing automotive windshield replacement standards

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 390-d to read as follows:

S 390-D. AUTOMOTIVE WINDSHIELD REPLACEMENT STANDARDS. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) "EQUIVALENT RETENTION SYSTEM" SHALL MEAN A SYSTEM THAT MEETS OR EXCEEDS A MOTOR VEHICLE MANUFACTURER'S PERFORMANCE STRENGTH SPECIFICATIONS, OR HAS BEEN CERTIFIED BY THE RETENTION SYSTEM MANUFACTURER OR PRIVATE LABELER AS APPROPRIATE FOR THE SPECIFIC APPLICATION.

(B) "MINIMUM DRIVE-AWAY STRENGTH" SHALL MEAN THE MINIMUM PROPERTIES AS DEFINED AND SPECIFIED BY THE RETENTION SYSTEMS MANUFACTURER OR PRIVATE LABELER TO MEET THE REQUIREMENTS OF FEDERAL MOTOR VEHICLE SAFETY STANDARDS 208 AND 212.

(C) "MINIMUM DRIVE-AWAY TIME" SHALL MEAN THE TIME NECESSARY FOR A GIVEN ADHESIVE SYSTEM TO ATTAIN MINIMUM DRIVE-AWAY STRENGTH AFTER AN ADHESIVE BONDED GLASS PART IS SET IN PLACE.

(D) "OE" SHALL MEAN ORIGINAL EQUIPMENT.

(E) "OEM" SHALL MEAN ORIGINAL EQUIPMENT MANUFACTURER.

(F) "PRIVATE LABELER" SHALL MEAN ANY INDIVIDUAL, CORPORATION OR ENTITY ENGAGED IN THE SALE OR DISTRIBUTION OF A PRODUCT LABELED AS ITS OWN, BUT MANUFACTURED BY ANY DIFFERENT ENTITY.

(G) "RETENTION SYSTEM" SHALL MEAN ANY ORIGINAL EQUIPMENT OR EQUIVALENT METHOD OF GLAZING ATTACHMENT.

(H) "THOSE ENGAGED IN AUTOMOTIVE WINDSHIELD REPLACEMENT" SHALL MEAN ANY INDIVIDUAL, BUSINESS, OR ORGANIZATION THAT REPLACES AUTOMOTIVE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD10492-01-3

WINDSHIELDS; EXAMPLES SHALL INCLUDE, BUT ARE NOT LIMITED TO, INDIVIDUAL TECHNICIANS, AUTOMOTIVE WINDSHIELD REPLACEMENT BUSINESSES, AUTOMOTIVE BODY SHOPS, AND DEALERSHIPS.

2. RESPONSIBILITIES OF THOSE ENGAGED IN AUTOMOTIVE WINDSHIELD REPLACEMENT. ALL IN-SHOP AND MOBILE INSTALLATIONS OF MOTOR VEHICLE WINDSHIELDS SHALL BE PERFORMED UNDER SUITABLE ENVIRONMENTAL CONDITIONS AND OTHER CONDITIONS THAT ARE COMPATIBLE WITH THE APPLICATION INSTRUCTIONS, AND FOLLOWING REQUIREMENTS:

(A) THOSE ENGAGED IN AUTOMOTIVE WINDSHIELD REPLACEMENT SHALL USE RETENTION SYSTEMS THAT ARE PRODUCED UNDER DOCUMENTED QUALITY ASSURANCE STANDARDS WHICH MEET THE REQUIREMENTS OF ANSI Z26.1 AS REQUIRED BY FEDERAL MOTOR VEHICLE SAFETY STANDARD 205;

(B) THOSE ENGAGED IN AUTOMOTIVE WINDSHIELD REPLACEMENT SHALL USE EITHER AN OEM APPROVED RETENTION SYSTEM OR EQUIVALENT RETENTION SYSTEM AS CERTIFIED IN WRITING BY THE EQUIVALENT RETENTION SYSTEM MANUFACTURER DIRECTLY OR THROUGH A PRIVATE LABELER;

(C) THOSE ENGAGED IN AUTOMOTIVE WINDSHIELD REPLACEMENT SHALL OBTAIN AND FOLLOW WRITTEN COMPREHENSIVE AND CURRENT APPLICATION INSTRUCTIONS FROM THE RETENTION SYSTEMS MANUFACTURER OR PRIVATE LABELER. SUCH INSTRUCTIONS SHALL INCLUDE AT LEAST THE PROPER USE OF THE RETENTION SYSTEM STORAGE SPECIFICATIONS, MINIMUM DRIVE-AWAY TIME CHARTS CONTAINING TEMPERATURE AND HUMIDITY VARIABLES, IF APPLICABLE, AND ANY SPECIAL PROCEDURES REQUIRED FOR ADVERSE WEATHER CONDITIONS;

(D) THOSE ENGAGED IN AUTOMOTIVE WINDSHIELD REPLACEMENT SHALL REQUIRE THAT LOT NUMBERS AND EXPIRATION DATES BE PRINTED ON APPROPRIATE PRODUCTS;

(E) THOSE ENGAGED IN AUTOMOTIVE WINDSHIELD REPLACEMENT SHALL FOLLOW THE ADHESIVE MANUFACTURER'S APPLICATION INSTRUCTIONS AS PROVIDED BY THE MANUFACTURER DIRECTLY, OR THROUGH THE PRIVATE LABELER;

(F) PRODUCTS SHALL BE STORED AND CONTROLLED ACCORDING TO MANUFACTURERS' REQUIREMENTS AS PROVIDED DIRECTLY OR THROUGH A PRIVATE LABELER;

(G) NO AUTOMOTIVE WINDSHIELD REPLACEMENT SHALL BE UNDERTAKEN USING AN ADHESIVE GLASS RETENTION BONDING SYSTEM THAT WOULD NOT ACHIEVE MINIMUM DRIVE-AWAY STRENGTH BY THE TIME THE VEHICLE MAY BE REASONABLY EXPECTED TO BE OPERATED;

(H) THE VEHICLE OWNER OR OPERATOR SHALL BE ADVISED OF THE MINIMUM DRIVE-AWAY TIME UNDER THE CIRCUMSTANCES OF THE REPLACEMENT;

(I) ALL GLASS PARTS MUST BE TRACEABLE TO THE INSTALLATION BY AN IDENTIFICATION NUMBER ISSUED BY THE DEPARTMENT OF TRANSPORTATION AND PART NUMBER;

(J) NO PRODUCT THAT HAS EXCEEDED ITS EXPIRATION DATE, OPEN SHELF LIFE OR ACTIVE SHELF LIFE SHALL BE USED;

(K) ALL SUPPLEMENTAL MECHANICAL WINDSHIELD RETENTION DEVICES SHALL BE REPLACED TO ORIGINAL EQUIPMENT SPECIFICATIONS; AND

(L) WHEN INAPPROPRIATE REPLACEMENT MATERIALS OR METHODS ARE DETECTED, THOSE ENGAGED IN AUTOMOTIVE WINDSHIELD REPLACEMENT SHALL REPORT THEIR FINDINGS TO THE VEHICLE OWNER OR OPERATOR.

3. RECORD KEEPING REQUIREMENTS. THOSE ENGAGED IN AUTOMOTIVE WINDSHIELD REPLACEMENT SHALL KEEP A RECORD OF ALL ADHESIVE COMPONENT LOT NUMBERS, DEPARTMENT OF TRANSPORTATION IDENTIFICATION NUMBERS AND PART NUMBERS USED IN EACH JOB. A COPY OF THIS RECORD SHALL BE OFFERED TO THE OWNER OR OPERATOR OF THE VEHICLE UPON COMPLETION OF THE INSTALLATION AND HELD BY THE INDIVIDUAL, BUSINESS OR ORGANIZATION THAT COMPLETED THE INSTALLATION FOR A MINIMUM OF THREE YEARS.

4. PENALTY. ANY INDIVIDUAL, BUSINESS OR ORGANIZATION THAT VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A VIOLATION, AS DEFINED IN

THE PENAL LAW, PUNISHABLE BY A FINE NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS.

5. PREEMPTION OF LOCAL LAW. THE PROVISIONS OF THIS SECTION SHALL SUPERSEDE AND PREEMPT ANY LOCAL LAW, CODE OR ORDINANCE INCONSISTENT THEREWITH.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.