

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The general business law is amended by adding a new section
2 390-d to read as follows:
3 S 390-D. AUTOMOTIVE WINDSHIELD REPLACEMENT STANDARDS. 1. DEFINITIONS.
4 AS USED IN THIS SECTION:
5 (A) "EQUIVALENT RETENTION SYSTEM" SHALL MEAN A SYSTEM THAT MEETS OR
6 EXCEEDS A MOTOR VEHICLE MANUFACTURER'S PERFORMANCE STRENGTH SPECIFICA-
7 TIONS, OR HAS BEEN CERTIFIED BY THE RETENTION SYSTEM MANUFACTURER OR
8 PRIVATE LABELER AS APPROPRIATE FOR THE SPECIFIC APPLICATION.
9 (B) "MINIMUM DRIVE-AWAY STRENGTH" SHALL MEAN THE MINIMUM PROPERTIES AS
10 DEFINED AND SPECIFIED BY THE RETENTION SYSTEMS MANUFACTURER OR PRIVATE
11 LABELER TO MEET THE REQUIREMENTS OF FEDERAL MOTOR VEHICLE SAFETY STAND-
12 ARDS 208 AND 212.
13 (C) "MINIMUM DRIVE-AWAY TIME" SHALL MEAN THE TIME NECESSARY FOR A
14 GIVEN ADHESIVE SYSTEM TO ATTAIN MINIMUM DRIVE-AWAY STRENGTH AFTER AN
15 ADHESIVE BONDED GLASS PART IS SET IN PLACE.
16 (D) "OE" SHALL MEAN ORIGINAL EQUIPMENT.
17 (E) "OEM" SHALL MEAN ORIGINAL EQUIPMENT MANUFACTURER.
18 (F) "PRIVATE LABELER" SHALL MEAN ANY INDIVIDUAL, CORPORATION OR ENTITY
19 ENGAGED IN THE SALE OR DISTRIBUTION OF A PRODUCT LABELED AS ITS OWN, BUT
20 MANUFACTURED BY ANY DIFFERENT ENTITY.
21 (G) "RETENTION SYSTEM" SHALL MEAN ANY ORIGINAL EQUIPMENT OR EQUIVALENT
22 METHOD OF GLAZING ATTACHMENT.
23 (H) "THOSE ENGAGED IN AUTOMOTIVE WINDSHIELD REPLACEMENT" SHALL MEAN
24 ANY INDIVIDUAL, BUSINESS, OR ORGANIZATION THAT REPLACES AUTOMOTIVE

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

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

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

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

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

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

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

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

30 (F) PRODUCTS SHALL BE STORED AND CONTROLLED ACCORDING TO MANUFACTUR-
31 ERS' REQUIREMENTS AS PROVIDED DIRECTLY OR THROUGH A PRIVATE LABELER;

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

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

38 (I) ALL GLASS PARTS MUST BE TRACEABLE TO THE INSTALLATION BY AN IDEN-
39 TIFICATION NUMBER ISSUED BY THE DEPARTMENT OF TRANSPORTATION AND PART
40 NUMBER;

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

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

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

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

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

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

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

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