STATE OF NEW YORK

8890

IN SENATE

March 25, 2024

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to establishing standards for glass repair and calibration of advanced driver assistance systems

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 392-k to read as follows:

§ 392-k. Motor vehicle glass repair and replacement; calibration and recalibration of advanced driver assistance systems; consumer disclosure. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Advanced driver assistance system" shall mean any motor vehicle electronic safety system, including, but not limited to sensors and cameras, as outlined in the most recent publication of the SAE International's SAE J3016 levels of driving automation that are designed to support both the driver and motor vehicle in a manner intended to:

(i) increase motor vehicle safety; and

(ii) reduce losses associated with motor vehicle crashes.

(b) "Calibrate" or "Recalibrate" shall mean to instruct a motor vehicle's advanced driver assistance system, including internal computers, to readjust targeted cameras, sensors, or other technologies to function properly in accordance with the motor vehicle's manufacturer specifications.

(c) "Motor vehicle glass repair facility" shall mean any person, including the person's employees and agents that for consideration engages in the repair or replacement of damaged safety glass as defined in subdivision fourteen of section three hundred seventy-five of the vehicle and traffic law.

(d) "Motor vehicle glass" shall mean the glass and non-glass parts associated with the replacement of the glass used in the windshield, door or windows and the glass, plastic, or other materials used in vehicle glass manufacturing.

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

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(e) "Repair or replacement of damaged motor vehicle glass" shall mean inspecting, repairing, restoring, or replacing damaged motor vehicle glass and calibrating or recalibrating an advanced driver assistance system when an incident requires the replacement of motor vehicle glass.

(f) "SAE J3016" shall mean the Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles published by SAE International in April two thousand twenty-one.

2. Requirements. If a motor vehicle is equipped with an advanced driver assistance system, a motor vehicle glass repair shop that conducts safety glass or motor vehicle glass repair, replacement, or recalibration shall inform the consumer:

(a) if a recalibration of the advanced driver system assistance is required; and

(b) if a recalibration of the advanced driver assistance system is performed that such system shall meet the motor vehicle's manufacturer specifications.

3. Notification. (a) A motor vehicle glass repair facility shall provide to consumers an itemized description of the work to be done on the motor vehicle.

(b) A motor vehicle glass repair facility shall not represent to a consumer that the cost of a repair, replacement or calibration or recalibration shall be paid for entirely by the consumer's insurer and at no cost to the consumer unless the cost of the repair, replacement, calibration or recalibration is fully covered as provided by the consumer's insurance policy.

(c) A motor vehicle glass repair facility shall not contract with a person for a repair or replacement of damaged safety glass or motor vehicle glass until the motor vehicle glass repair shop has received a claim or referral number for insurance covered damage.

(d) Prior to finalizing a contract for repair with a consumer for a repair or replacement of damaged motor vehicle glass, a motor vehicle glass repair facility shall notify such consumer:

(i) whether such motor vehicle has an advanced driver assistance system;

(ii) whether the calibration or recalibration of the motor vehicle's advanced driver assistance system is required to:

(1) make the advanced driver assistance system operable; and

(2) ensure that the repair or replacement of damaged motor vehicle glass is performed in a manner that meets the vehicle manufacturer's specifications;

(iii) whether the motor vehicle glass repair facility can calibrate or recalibrate the advanced driver assistance system in a manner that meets the motor vehicle's manufacturers specifications; and

(iv) if the motor vehicle glass repair facility is not capable of performing a calibration or recalibration as referenced in subdivision three of this section, that the motor vehicle should be taken to the vehicle's manufacturer certified dealership or a qualified specialist capable of performing the calibration or recalibration that meets the vehicle's manufacturer specifications.

4. Unsuccessful recalibration. If a recalibration was not performed or not completed successfully, the motor vehicle glass repair facility shall inform the consumer and the consumer's insurer electronically or in writing that the recalibration was not successful or was not performed and that the motor vehicle should be taken to a franchised motor vehicle dealer or a motor vehicle glass repair facility capable of performing the calibration or recalibration of an advanced driver

assistance system that meets the motor vehicle manufacturer's specifications.

5. Recalibration requirements. A motor vehicle glass repair facility that conducts a calibration, recalibration or replacement on a motor vehicle equipped with an advanced driver system shall:

(a) shall recalibrate the advanced driver assistance system to meet such motor vehicle's manufacturer specifications; and

(b) is not limited to safety glass or motor vehicle glass, tools, equipment, or repair procedures dictated or recommended by the motor vehicle manufacturer to meet such motor vehicle's manufacturer specifications.

6. Billing. A motor vehicle glass repair facility shall not bill or charge the consumer or the consumer's insurer for safety glass or motor vehicle glass repair, replacement, calibration or recalibration services that are not performed in accordance with the motor vehicle's manufacturer specifications.

7. Penalties. A motor vehicle glass repair facility that violates the provisions of this section shall be liable for a penalty of two thousand five hundred dollars per occurrence.

§ 2. This act shall take effect immediately.