

# 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:

1 Section 1. The general business law is amended by adding a new section  
2 392-k to read as follows:

3 § 392-k. Motor vehicle glass repair and replacement; calibration and  
4 recalibration of advanced driver assistance systems; consumer disclo-  
5 sure. 1. Definitions. For the purposes of this section, the following  
6 terms shall have the following meanings:

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

12 (i) increase motor vehicle safety; and

13 (ii) reduce losses associated with motor vehicle crashes.

14 (b) "Calibrate" or "Recalibrate" shall mean to instruct a motor vehi-  
15 cle's advanced driver assistance system, including internal computers,  
16 to readjust targeted cameras, sensors, or other technologies to function  
17 properly in accordance with the motor vehicle's manufacturer specifica-  
18 tions.

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

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

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

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

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

8 2. Requirements. If a motor vehicle is equipped with an advanced driv-  
9 er assistance system, a motor vehicle glass repair shop that conducts  
10 safety glass or motor vehicle glass repair, replacement, or recal-  
11 ibration shall inform the consumer:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 assistance system that meets the motor vehicle manufacturer's specifica-  
2 tions.

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

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

8 (b) is not limited to safety glass or motor vehicle glass, tools,  
9 equipment, or repair procedures dictated or recommended by the motor  
10 vehicle manufacturer to meet such motor vehicle's manufacturer specifi-  
11 cations.

12 6. Billing. A motor vehicle glass repair facility shall not bill or  
13 charge the consumer or the consumer's insurer for safety glass or motor  
14 vehicle glass repair, replacement, calibration or recalibration services  
15 that are not performed in accordance with the motor vehicle's manufac-  
16 turer specifications.

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

20 § 2. This act shall take effect immediately.