

SENATE BILL 428

I3, R6

2lr1896

By: **Senator West**

Introduced and read first time: January 26, 2022

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Automotive Glass Repair or Replacement – Advanced**
3 **Driver Assistance System Recalibration**

4 FOR the purpose of establishing consumer protections related to the repair or replacement
5 of automotive glass on motor vehicles equipped with an advanced driver assistance
6 system; prohibiting an insurer from being charged more than a fair and competitive
7 value for the local market for the recalibration of an advanced driver assistance
8 system; and generally relating to consumer protections related to the repair or
9 replacement of automotive glass on motor vehicles equipped with advanced driver
10 assistance systems.

11 BY repealing and reenacting, with amendments,
12 Article – Commercial Law
13 Section 14–1001 and 14–1009
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2021 Supplement)

16 BY adding to
17 Article – Commercial Law
18 Section 14–1009
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2021 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Commercial Law**

24 14–1001.

25 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) "Automotive repair facility" means any person who [diagnoses], FOR
2 FINANCIAL PROFIT:

3 (1) DIAGNOSES or corrects malfunctions of a motor vehicle [for financial
4 profit]; OR

5 (2) REPAIRS OR REPLACES AUTOMOTIVE GLASS.

6 (c) "Motor vehicle" has the meaning stated in Title 11 of the Transportation
7 Article.

8 (d) "Person" includes an individual, corporation, business trust, statutory trust,
9 estate, trust, partnership, association, two or more persons having a joint or common
10 interest, or any other legal or commercial entity.

11 14-1009.

12 (A) IN THIS SECTION, "ADVANCED DRIVER ASSISTANCE SYSTEM" MEANS AN
13 ELECTRONIC SAFETY SYSTEM THAT IS DESIGNED TO SUPPORT A DRIVER OPERATING
14 A MOTOR VEHICLE THAT IS INTENDED TO INCREASE VEHICLE SAFETY AND REDUCE
15 LOSSES ASSOCIATED WITH MOTOR VEHICLE CRASHES.

16 (B) BEFORE REPAIRING OR REPLACING AUTOMOTIVE GLASS, IF A MOTOR
17 VEHICLE IS EQUIPPED WITH AN ADVANCED DRIVER ASSISTANCE SYSTEM, AN
18 AUTOMOTIVE REPAIR FACILITY SHALL:

19 (1) INFORM THE CUSTOMER IF THE RECALIBRATION OF AN
20 ADVANCED DRIVER ASSISTANCE SYSTEM IS REQUIRED; AND

21 (2) PROVIDE THE CUSTOMER WITH:

22 (I) AN ITEMIZED DESCRIPTION OF THE WORK TO BE
23 PERFORMED ON THE MOTOR VEHICLE; AND

24 (II) IF AN INSURER IS PAYING FOR ALL OR A PORTION OF THE
25 GLASS REPAIR, GLASS REPLACEMENT, OR THE RECALIBRATION OF AN ADVANCED
26 DRIVER ASSISTANCE SYSTEM, THE TOTAL AMOUNT THAT THE INSURER AGREES TO
27 PAY.

28 (C) AN AUTOMOTIVE REPAIR FACILITY MAY NOT REPRESENT TO A
29 CUSTOMER THAT THE COST OF WORK TO BE PERFORMED TO RECALIBRATE AN
30 ADVANCED DRIVER ASSISTANCE SYSTEM ON A MOTOR VEHICLE WILL BE PAID

1 ENTIRELY BY THE CUSTOMER'S INSURER AT NO COST TO THE CUSTOMER UNLESS
2 THE COST IS FULLY COVERED AND APPROVED BY THE INSURER.

3 (D) AN INSURER MAY NOT BE REQUIRED TO PAY MORE THAN A FAIR AND
4 COMPETITIVE PRICE FOR THE LOCAL MARKET AREA FOR WORK PERFORMED TO
5 RECALIBRATE AN ADVANCED DRIVER ASSISTANCE SYSTEM.

6 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN
7 AUTOMOTIVE REPAIR FACILITY IS NOT LIMITED TO AUTOMOTIVE GLASS, TOOLING,
8 EQUIPMENT, OR REPAIR PROCEDURES PROVIDED BY THE VEHICLE
9 MANUFACTURER.

10 (2) RECALIBRATION OF AN ADVANCED DRIVER ASSISTANCE SYSTEM
11 PERFORMED BY AN AUTOMOTIVE REPAIR FACILITY SHALL MEET OR EXCEED THE
12 MOTOR VEHICLE MANUFACTURER'S SPECIFICATIONS.

13 (3) AN AUTOMOTIVE REPAIR FACILITY MAY NOT CHARGE FOR
14 SERVICES THAT ARE NOT PERFORMED IN ACCORDANCE WITH THE MOTOR VEHICLE
15 MANUFACTURER'S SPECIFICATIONS.

16 (F) IF RECALIBRATION OF AN ADVANCED DRIVER ASSISTANCE SYSTEM IS
17 REQUIRED AND IS NOT PERFORMED OR SUCCESSFULLY COMPLETED, THE
18 AUTOMOTIVE REPAIR FACILITY SHALL INFORM THE CUSTOMER ELECTRONICALLY
19 OR IN WRITING THAT THE RECALIBRATION WAS NOT PERFORMED OR WAS
20 UNSUCCESSFUL AND ADVISE THE CUSTOMER THAT THE MOTOR VEHICLE SHOULD
21 BE TAKEN TO:

22 (1) A MOTOR VEHICLE MANUFACTURER'S CERTIFIED DEALERSHIP;
23 OR

24 (2) A QUALIFIED AUTOMOTIVE REPAIR FACILITY CAPABLE OF
25 PERFORMING THE RECALIBRATION OF AN ADVANCED DRIVER ASSISTANCE SYSTEM
26 THAT MEETS OR EXCEEDS THE MOTOR VEHICLE MANUFACTURER'S
27 SPECIFICATIONS.

28 [14-1009.] 14-1010.

29 A violation of any provision of this subtitle is an unfair [or], deceptive, OR ABUSIVE
30 TRADE practice within the meaning of Title 13 of this article and is subject to the
31 enforcement and penalty provisions contained in Title 13 of this article.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2022.