

**SB 428\_SAFELITE\_FAV.pdf**

Uploaded by: Bryson Popham

Position: FAV

## Bryson F. Popham, P.A.

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February 7, 2022

The Honorable Delores G. Kelley  
Chair, Senate Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, MD 21401

RE: Senate Bill 428 - Consumer Protection - Automotive Glass Repair or Replacement - Advanced Driver Assistance System Recalibration  
FAVORABLE

Dear Chair Kelley and Members of the Senate Finance Committee,

I represent Safelite, the leading provider of vehicle glass repair, replacement and recalibration services in the United States, including Maryland. Safelite supports Senate Bill 428 - Consumer Protection - Automotive Glass Repair or Replacement - Advanced Driver Assistance System Recalibration.

As you know, this General Assembly addressed the subject of motor vehicle glass replacement in 2021, in the form of House Bill 519/Senate Bill 445. The Senate passed House Bill 519 on a vote of 47-0, so each of you voted for that bill. Safelite is pleased that the sponsor of Senate Bill 445, Senator Chris West, has decided to take the necessary next step and drafted legislation to provide a compliance and enforcement mechanism for this important service.

That legislation has become Senate Bill 428, and its principal subject is a process known as "recalibration." Recalibration is a service that is likely to be needed by every new or late model vehicle that suffers certain damage to its windshield or other safety glass. The reason is simple: vehicles today have much more than glass in their windshields. They have cameras and sensors that, together, provide an "advanced driver assistance system" (ADAS). As Senator West stated, motor vehicles today are as much instruments of information technology as they are a form of transportation.

Because of this fact, many vehicles with damaged windshields require specialized services for repair. The repair does not end with the installation of a new windshield. It is necessary to recalibrate the ADAS on the entire vehicle, in order that the vehicle may perform in accordance with manufacturers' specifications.

The consequences of non-performance of ADAS from an improper repair are serious and potentially life-threatening. Drivers learn to rely upon ADAS for numerous safety functions in the operation of their vehicles. If a recalibration is off by just a millimeter, a serious accident could occur.

We have worked closely with legislators, regulators and other stakeholders on this legislation. In particular, we continue to work with representatives of the Auto Glass Safety Council (AGSC) which was involved in last year's effort. From those discussions, we expect to offer some minor amendments which will improve the legislation.

Senate Bill 428 supplements the valuable public policy you enacted in House Bill 519 last year by adding a compliance

and enforcement function through the Office of the Attorney General, Consumer Protection Division. While last year's legislation focused on the standards applicable to the replacement glass itself, we recognized the necessity to have a State agency assume responsibility for regulating the important process of recalibration. We are pleased that the Consumer Protection Division supports the bill. We further note that the Motor Vehicle Administration, which is drafting regulations to implement House Bill 519 from last year, has advised its intention to monitor Senate Bill 428. We believe that Maryland has the right combination of regulators to protect both drivers and passengers of vehicles with ADAS.

Accordingly, we respectfully request a favorable report on Senate Bill 428.

Very truly yours,

A handwritten signature in black ink, reading "Bryson Popham". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Bryson F. Popham

cc: The Honorable Chris West

# **Senator West - SB 428 - Consumer Protection - Auto**

Uploaded by: Christopher West

Position: FAV

**CHRIS WEST**  
Legislative District 42  
Baltimore County

Judicial Proceedings Committee

Vice Chair, Baltimore County  
Senate Delegation



**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

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February 9, 2022

The Senate Finance Committee  
The Honorable Delores G. Kelly  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

**Re: SB 428 – Consumer Protection - Automotive Glass Repair or Replacement - Advanced Driver Assistance System Recalibration**

Dear Chairwoman Kelly and members of the Committee,

I am pleased to bring before the Senate Finance Committee Senate Bill 428, which is legislation that will provide important consumer protections for the replacement and recalibration of automotive safety glass. You may recall that similar legislation was introduced by Delegate Barve last year, and I introduced the Senate crossfile. House Bill 519 ended up passing the Senate on the vote of 47-0.

I have brought with me a video of the activity that Senate Bill 428 addresses. I also attended an actual demonstration of the highly technical process for replacing a windshield and recalibrating the cameras and sensors on the vehicle last December. Last year's bill dealt with the standards for automotive safety glass replacement. Those standards are changing almost daily as technological advances place more cameras and other sensors in the windshields and other glass of our new vehicles. The purchase of a new or relatively new car is increasingly a purchase of information technology, as well as a device to get us from one place to another.

So here's the key question: If a windshield on a new or late model vehicle is damaged and requires replacement, how can we assure consumers that the replacement and recalibration is done properly? In other words, safety is the paramount concern of this legislation. If a windshield on a new car is replaced improperly – if it is not “recalibrated” to use the technical term - the consequences can be catastrophic for the future operation of that vehicle. An error in recalibrating the cameras and sensors of just one millimeter can result in a serious, life-threatening accident.

This year's legislation proposes an appropriate compliance and enforcement regimen for the process of repair, replacement and recalibration. While it was appropriate in last year's bills to have the MVA draft standards for the safety glass itself, including a requirement that it meet motor vehicle manufacturers standards, this year we need a solution for consumers who may have a complaint about the quality of services they have received, as well as an enforcement mechanism for any glass shops or similar repair facilities that do not comply with the standards.

It is also important to note that other states have recognized this important issue and are addressing it through similar legislation. Senate Bill 428 has identified the Consumer Protection Division of the

Attorney's General office for this purpose. I am pleased to report that the AG will be supporting the bill, and that the MVA, while continuing to monitor this issue, has not objected.

This year's bill was brought to my attention by Safelite, whom you probably know is a leading provider of automotive safety glass repair and replacement services. I understand that the insurance industry is supportive of the bill, and we have also been working with the Auto Glass Safety Council, who was active in last year's effort. As is often the case, there may be some clarifying amendments that are needed to improve the bill, and I hope the Committee will consider both this important piece of legislation and any amendments that may be offered.

I appreciate the Committee's consideration of Senate Bill 428 and will be more than happy to address any follow-up questions the Committee may have.

**SB 428 Glass Replacement SUPPORT 02092022\_.pdf**

Uploaded by: Nancy Egan

Position: FAV



**Testimony of**

**American Property Casualty Insurance Association (APCIA)**

**Senate Finance Committee**

**Senate Bill 428 Consumer Protection – Automotive Glass Repair or Replacement – Advanced Driver Assistance System Recalibration**

**February 9, 2022**

**Support**

The American Property Casualty Insurance Association (APCIA) is the primary national trade association for home, auto, and business insurers. APCIA promotes and protects the viability of private competition for the benefit of consumers and insurers, with a legacy dating back 150 years. APCIA members represent all sizes, structures, and regions—protecting families, communities, and businesses in the U.S. and across the globe. APCIA is a national trade organization and represents nearly 60 percent of the U.S. property casualty insurance market. APCIA respectfully supports Senate Bill 428.

Senate Bill 428 will establish standards for safety and transparency for auto owners regarding vehicles equipped with Advanced Driver Assistance Systems. APCIA fully supports safe, quality, and cost-effective repairs. The bill provides for a disclosure to the consumer regarding necessary calibration of vehicles equipped with automated driver assistance systems (ADAS), which is in keeping with our position.

For all these reasons, the APCIA urges the Committee to provide a favorable report on Senate Bill 428.

Nancy J. Egan,

State Government Relations Counsel, DC, DE, MD, VA, WV

[Nancy.egan@APCIA.org](mailto:Nancy.egan@APCIA.org) Cell: 443-841-4174



**SB 428 - Auto Glass - CPD - Support.pdf**

Uploaded by: Steven M. Sakamoto-Wengel

Position: FAV

**BRIAN E. FROSH**  
*Attorney General*

**WILLIAM D. GRUHN**  
*Chief*  
Consumer Protection Division

**ELIZABETH F. HARRIS**  
*Chief Deputy Attorney General*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*



**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**  
**CONSUMER PROTECTION DIVISION**

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410-576-6307

February 9, 2022

To: The Honorable Delores G. Kelley  
Chair, Finance Committee

From: Steven M. Sakamoto-Wengel  
Consumer Protection Counsel for Regulation, Legislation and Policy

Re: Senate Bill 428 – Consumer Protection - Automotive Glass Repair or Replacement -  
Advanced Driver Assistance System Recalibration (SUPPORT)

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The Consumer Protection Division of the Office of the Attorney General supports Senate Bill 428, sponsored by Senator West, which would help to ensure that consumers who need to have their windshields that contain advanced safety features replaced are fully informed about the nature and cost of those repairs. New cars now contain safety features that are designed to help prevent accidents. Many of those safety features involve sensors in the windshield or other auto glass that must be accurately calibrated in order to work properly and that significantly increase the cost and technical skills necessary to properly replace the auto glass. Failure to properly calibrate the safety features can result in accidents if drivers rely upon improperly functioning features. *See, e.g.*, U.S. Regulator Questions Tesla on the Lack of a Recall After an Update to Autopilot, <https://www.nytimes.com/2021/10/13/business/tesla-autopilot-recall-safety.html>

Senate Bill 428 would require an automotive repair facility to:

- Inform the customer whether auto glass replacement will require that an advanced driver assistance system be recalibrated;
- Provide an itemized description of the work to be performed; and
- Disclose to the customer the amount of the repair cost that will be covered by the customer's insurance and prohibit the repair facility from representing that the repair will be fully paid by insurance if that is not the case.

Consistent with the Division's support for a consumer's right to have repairs performed at the facility of their choosing, Senate Bill 428 would require the automotive repair facility to meet or exceed the manufacturer's specifications for recalibrating the safety system, but would not require the facility to use the manufacturer's glass, tools, or repair methods. And the bill would require the repair facility to inform the customer if the facility cannot or has not been able to recalibrate the auto glass and direct the customer to a facility that is capable of doing so properly.

The Honorable Delores G. Kelley  
Senate Bill 428  
February 9, 2022  
Page Two

Accordingly, the Consumer Protection Division believes that Senate Bill 428 will help to ensure that consumers are informed about the nature and cost of automobile glass repairs that involve advance safety features and respectfully requests that the Senate Finance Committee return a favorable report.

cc: The Honorable Christopher West  
Members, Finance Committee

# **Maryland S 428 Testimony - Debra Levy.pdf**

Uploaded by: Debra Levy

Position: UNF

Testimony of Debra Levy  
Immediate Past President  
Auto Glass Safety Council

Mr. Chair, members of the Senate Finance Committee, thank you for the privilege of submitting this testimony regarding SB 428.

My name is Debra Levy, and I am the immediate past president and managing director of the Auto Glass Safety Council (AGSC), a not-for-profit safety organization dedicated to the proper installation of auto glass.

Last session, Maryland enacted auto glass safety legislation with a unanimous vote of the Maryland Senate. AGSC was in strong support of the bill and had been working with the Motor Vehicle Administration (MVA) in its effort to promulgate the new regulations based on the industry's Automotive Glass Replacement Safety Standards (AGRSS).

Thank you to Senator West for his leadership in sponsoring last year's legislation and his sponsorship of the bill before us today that raises important issues regarding Advanced Driver Assistance Systems (ADAS) and calibration in the auto glass industry.

S. 428 is a complex economic bill that seeks to address billing practices and insurance practices in an industry that adapts to very fast-changing technology.

The AGSC is very concerned that newer vehicles with various Advanced Driver Assistance Systems (ADAS) are properly scanned, both pre-and post- windshield replacement, and that the camera embedded in the windshield that controls the advanced systems is calibrated correctly. This is so the vehicle is returned safely and in proper working order to the owner. The AGRSS Standard currently addresses calibration, and AGSC is in the process of updating the AGRSS to further address ADAS and calibration as technology changes. AGSC will urge the MVA to add any provisions in the standards to the state regulations.

Some of the provisions of S. 428 touch upon this safety aspect and could help promote proper calibration concerning windshield replacement.

However, S. 428 has several provisions that seek to regulate pricing, billing practices, and the relationship between the insurance company and the glass

company in an industry changing quickly due to evolving technology. Some provisions of the bill could severely disadvantage Maryland glass companies.

We believe that the bill, as written, would ultimately harm Maryland glass companies by reducing competition and, therefore, imperiling safety.

Approximately one-third of auto glass companies perform calibrations themselves, while another third subcontracts the work to a company whose sole job is to perform calibrations. The final third utilizes the calibration services of the auto dealers.

You may not be aware, but recalibration is often necessary after not only glass work but most bodywork, wheel alignment, suspension repairs, or even a change of tires. The provisions of this bill could have far-reaching effects well beyond the intention of the original drafters.

This sector of the auto glass industry is rapidly changing as more glass shops gain their own capacity to perform calibrations, and more cars come onto the road with ADAS features. Until the glass industry reaches capacity, though, the requirement that a written estimate be provided to car owners prior to work will severely deter work that can be done by smaller, locally-owned shops who have not yet made the substantial investment in purchasing their own calibration equipment. Calibrators, including dealerships, need to inspect the car first before providing an estimate.

What does anyone giving you an estimate on car repair say before they provide it? Bring the car in. It's impractical to ask the glass shop to drive the vehicle to a calibrator or dealership with the broken windshield, then bring it back and inform the consumer of the cost. It also adds tons of time and degrades customer service. The additional time and labor unnecessarily increase the cost to the consumer. A provision like this may be worthwhile in the future but is premature at this time.

Most glaring are provisions of the bill that bring auto glass companies under the much broader legal definition of an "automotive repair facility," including auto glass repair services, which repair minor chips in the windshield without glass replacement. Also problematic is how manufacturer specifications are defined; and how "fair and competitive price" and "local market" would be defined. AGSC does not understand how this would be accomplished. Who would be setting prices for this industry?

While we are working with Safelite representatives on improvements to the legislation at Senator West's request and appreciate their cooperation, we may have to disagree with specific provisions and the bill's overall goal.

AGSC members are installation companies and technicians, associations, safety advocates, suppliers of materials such as glass and adhesives and insurance companies. They hold safety as a top priority. They undergo periodic random, third-party audits by independent inspectors, paid for by AGSC, who review their compliance with the Standard.

Anything that will reduce the number of auto glass companies in the market and put up barriers to getting calibrations done when the number of cars with ADAS is exploding is incongruent with safety. Therefore, AGSC cannot support the bill in its current form. AGSC urges further study to develop a way to ensure safety is not compromised. We welcome an opportunity to be part of the education process and the discussion.

**S.428.pdf**

Uploaded by: PATRICK HEFLIN

Position: INFO



**Testimony of Pat Heflin, Glass America**  
**S. 428**  
**Senate Finance Committee**  
**February 9, 2022**

Mr. Chairman and Members of the Senate Finance Committee, my name is Patrick Heflin, and I am the Maryland Regional Manager for Glass America, a national auto glass company with six locations throughout Maryland. Glass America installs approximately 10,000 pieces of vehicle glass in the state of Maryland in an average year.

Last year I testified in support of auto glass replacement safety legislation that passed the Senate unanimously and was enacted. The legislation before us today, however, is complex economic regulation that presents great concern.

The auto glass services industry is evolving to meet the rapidly changing technology of today's automobiles. The new Advanced Driver Assistance Systems, ADAS for short, do everything from alert drivers if they are drifting out of their lane to slowing the car down and braking if they neglect to do so. You may have some or all of these systems in your own vehicle, depending on its age.

A small camera, usually mounted in the center of the windshield, works in tandem with the car's computer to keep the ADAS operating properly. Something as simple as cleaning the camera lens can throw the system off.

Whenever the camera looks through a substance, such as a new windshield, it must be re-calibrated to ensure that it is operating properly. This is an important safety issue as having the camera positioning off even a miniscule amount can affect its proper operation. This problem often can show up well after the windshield was touched.

The relationships between auto glass companies, insurers and claims administrators and consumers is complex, especially in an industry where some companies wear more than one hat. Requiring independent glass companies that subcontract their calibration to provide written cost estimates up front will box them out of the market. Allowing insurers to limit payment for work performed to some imaginary "fair and competitive price for the local market area" will leave the glass company financially short. These government dictated economic regulations favor insurers and glass companies with market power who are also

serving as insurance claims administrators work over smaller regional and local independent shops.

While issues of ADAS and calibration are important and are essential to the safety of vehicle drivers and their passengers, and these economic questions worthy of study, passing state legislation at this time might disadvantage Maryland companies and their consumers. Our concern is simply that the bill favors the more powerful segments of the industry at the expenses of smaller, local players in the market and therefore is, at best, premature, and at worst, unwise.

Thank you for the opportunity to be before you today.