SENATE BILL 428

By: Senator West
Introduced and read first time: January 26, 2022
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,

Article – Commercial Law
Section 14–1001 and 14–1009
Annotated Code of Maryland
(2013 Replacement Volume and 2021 Supplement)

BY adding to

Article – Commercial Law
Section 14–1009
Annotated Code of Maryland
(2013 Replacement Volume and 2021 Supplement)

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

Article – Commercial Law

14–1001.

(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.
(b) “Automotive repair facility” means any person who [diagnoses], FOR FINANCIAL PROFIT:

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

(2) **REPAIRS OR REPLACES AUTOMOTIVE GLASS.**

(c) “Motor vehicle” has the meaning stated in Title 11 of the Transportation Article.

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

14–1009.

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

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

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

(2) **PROVIDE THE CUSTOMER WITH:**

   (i) **AN ITEMIZED DESCRIPTION OF THE WORK TO BE PERFORMED ON THE MOTOR VEHICLE; AND**

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

(C) **AN AUTOMOTIVE REPAIR FACILITY MAY NOT REPRESENT TO A CUSTOMER THAT THE COST OF WORK TO BE PERFORMED TO RECALIBRATE AN ADVANCED DRIVER ASSISTANCE SYSTEM ON A MOTOR VEHICLE WILL BE PAID**
ENTIRELY BY THE CUSTOMER’S INSURER AT NO COST TO THE CUSTOMER UNLESS THE COST IS FULLY COVERED AND APPROVED BY THE INSURER.

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

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

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

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

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

(1) A MOTOR VEHICLE MANUFACTURER’S CERTIFIED DEALERSHIP; OR

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

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

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