

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 793

(Senator West, *et al.*)

Finance

Economic Matters

**Consumer Protection - Motor Vehicle Glass Repair or Replacement - Advanced
Driver Assistance System Recalibration**

This bill establishes consumer protections related to the repair or replacement of motor vehicle glass on motor vehicles equipped with an “advanced driver assistance system” (ADAS). Violation of the bill is an unfair, abusive, or deceptive trade practice under the Maryland Consumer Protection Act (MCPA), subject to MCPA’s civil and criminal penalty provisions.

Fiscal Summary

State Effect: The bill’s imposition of existing penalty provisions does not have a material impact on State finances or operations. The Office of the Attorney General, Consumer Protection Division, can handle the bill’s requirements with existing resources.

Local Effect: The bill’s imposition of existing penalty provisions does not have a material impact on local government finances or operations.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill defines an ADAS as an electronic system that uses automated technology (including cameras and sensors) to detect nearby obstacles and driver errors to assist a driver in the safe operation of a motor vehicle.

A “motor vehicle safety glass facility” means a person that (1) repairs or replaces motor vehicle safety glass and (2) provides related recalibration of an ADAS.

Before repairing (or replacing) motor vehicle glass, if a motor vehicle is equipped with an ADAS, a motor vehicle safety glass facility must:

- inform the customer if the recalibration of an ADAS is required; and
- provide the customer with a written statement that the work to be performed on the motor vehicle will meet or exceed original equipment manufacturer specifications.

Under the bill, a motor vehicle safety glass facility is not limited to motor vehicle glass, tooling, equipment, or repair procedures provided by the vehicle manufacturer. However, recalibration of an ADAS performed by a motor vehicle safety glass facility must meet or exceed the manufacturer's specifications.

A motor vehicle safety glass facility is prohibited from charging for services that are not performed or successfully completed.

If recalibration of an ADAS is required and is not performed (or successfully completed), the repair facility must inform the customer.

Current Law: Title 14, Subtitle 10 of the Commercial Law Article sets forth miscellaneous consumer protection provisions relating to automotive repair facilities. An "automotive repair facility" is defined as any person who diagnoses or corrects malfunctions of a motor vehicle for financial profit.

An automotive repair facility must provide, upon request, a written estimate containing specified information prior to beginning any repair work for which a customer is charged more than \$50. Such businesses are prohibited from charging the customer without consent a price that exceeds the written estimate by more than 10%. Other provisions specify when repair delays may be excused and when written estimates are not required. Similar requirements apply to repair authorizations.

A repair facility must also prepare an invoice that describes (1) all work done by the facility (including all warranty work) and (2) all parts supplied by the facility. The invoice must state clearly:

- if any used, rebuilt, or reconditioned parts have been supplied or if a part of a component system supplied is composed of used, rebuilt, or reconditioned parts; and
- that while a customer's motor vehicle is on the premises of the repair facility, the repair facility may not be responsible for damage to the customer's vehicle under certain circumstances and that the customer should ask a representative of the

facility about the extent of its responsibility, including the extent of the insurance coverage of the facility.

The invoice must also contain a specific notice that advises the customer that federal law requires manufacturers to make bulletins available describing any defects in their vehicles. A signed copy of the invoice must be provided to the customer; the repair facility must also retain a copy.

Maryland Consumer Protection Act

An unfair, abusive, or deceptive trade practice under MCPA includes, among other acts, any false, falsely disparaging, or misleading oral or written statement, visual description, or other representation of any kind which has the capacity, tendency, or effect of deceiving or misleading consumers. The prohibition against engaging in any unfair, abusive, or deceptive trade practice encompasses the offer for or actual sale, lease, rental, loan, or bailment of any consumer goods, consumer realty, or consumer services; the extension of consumer credit; the collection of consumer debt; or the offer for or actual purchase of consumer goods or consumer realty from a consumer by a merchant whose business includes paying off consumer debt in connection with the purchase of any consumer goods or consumer realty from a consumer.

The Consumer Protection Division is responsible for enforcing MCPA and investigating the complaints of aggrieved consumers. The division may attempt to conciliate the matter, issue a cease and desist order, or file a civil action in court. A merchant who violates MCPA is subject to a fine of up to \$10,000 for each violation and up to \$25,000 for each repetition of the same violation. In addition to any civil penalties that may be imposed, any person who violates MCPA is guilty of a misdemeanor and, on conviction, is subject to a fine of up to \$1,000 and/or imprisonment for up to one year.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1460 and SB 428 of 2022.

Designated Cross File: HB 920 (Delegate Watson) - Economic Matters.

Information Source(s): Office of the Attorney General (Consumer Protection Division); Maryland Insurance Administration; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History:
js/jkb

First Reader - February 27, 2023

Third Reader - March 18, 2023

Revised - Amendment(s) - March 18, 2023

Analysis by: Eric F. Pierce

Direct Inquiries to:

(410) 946-5510

(301) 970-5510