



May 14, 2019

Hon. Robert B. Jacquard, Chairman
House Committee on Corporations
Rhode Island General Assembly
State House, Room 203
Providence, RI 02903

RE: Support House Bill 6104 – with Amendment

Dear Chairman Jacquard:

On behalf of the Alliance of Automobile Manufacturers (Auto Alliance), I am writing to express our support for House Bill 6104, but strongly encourage the inclusion of additional language to better protect Rhode Island vehicle owners. The Alliance is a trade association representing twelve of the world's leading car and light truck manufacturers, and is comprised of BMW Group, FCA US LLC, Ford Motor Company, General Motors Company, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche Cars North America, Toyota, Volkswagen Group of America, and Volvo Car USA.

Last year, Rhode Island became the first state in the union to require the use of OEM repair procedures in post-collision vehicle repairs, with the passage of Senate Bill 2679/House Bill 8013. The sponsors of that legislation, your committee, and you as Chairman deserves to be commended for the achievement. While many consumers would have assumed such procedures would be used to guide repairs even without a law, it sadly took a tragic accident and a \$42 million verdict to shine a light on the shoddy repairs being conducted by some in the autobody world. The Auto Alliance has spent a good deal of time in 2019 urging other state legislatures to follow Rhode Island's lead, and require the use of OEM repair procedures in the collision repairs conducted in their respective states.

When you are first, however, you are not afforded the benefit of learning from others, and sometimes a better approach is realized after a period of reflection. House Bill 6104 was drafted with the benefit of such reflection, as it seeks to address a shortcoming found in the law as passed last year. During the previous session, while this legislature sought to pass a law to ensure all vehicles were correctly repaired to pre-collision condition using the repair instructions put out by the vehicle's original manufacturer, auto replacement glass companies worked to secure an exemption from such requirements. House Bill 6104 seeks to revisit this exclusion, but we do not think the bill as drafted goes far enough.

No subset of a vehicle should be carved out from the obligation to conduct repairs in accordance with automaker repair procedures, and this includes the replacement glass industry. While at one time vehicle glass was decidedly low-tech, that is no longer the case in today's vehicles. Auto glass today is an integral part of a vehicle's safety system. Auto glass needs to be installed in such a manner to ensure it stays in place when a vehicle's airbags are deployed. If auto glass dislodges from its mounted position or breaks under the pressure of an airbag deployment, occupant safety will be compromised.

But beyond just the practices used to physically install replacement glass, on some vehicles today the replacement of a windshield also calls for the recalibration of Advanced Driver Assistance Systems (ADAS). Important systems such as emergency braking, forward collision and lane departure warnings, and adaptive cruise control, may not work as intended when needed after glass replacement without proper calibration. That is because all of these systems rely on the correct calibration of cameras and sensors mounted in the top-center of a windshield. These systems are so important that, in 2010, the National Highway Traffic Safety Administration began including them in their New Car Assessment Program, which crash-tests new vehicles and rates them on how well they protect occupants in frontal, side, and rollover crashes. Additionally, a recent analysis by the Insurance Institute for Highway Safety estimates that forward collision warning systems reduce front-to-rear crashes by 27% and automatic emergency braking to reduce front-to-rear crashes by 50%. In very real and tangible terms, not calibrating such systems will endanger driver and occupant safety. Why should replacement glass companies, or any business for that matter, be allowed to jeopardize the safety of vehicle occupants as the result of an exception to the rules?

If it is still the legislature's will to allow for an exemption to these rules, the exemption should come with a strong and well-defined warning to the consumer, and also sunset after an appropriate period, thereby ensuring auto glass replacement companies come into compliance with these important safety protocols.

First, House Bill 6104 seeks to address the exclusion granted last year to auto glass installation companies by requiring a written notice to the consumer that safety systems need recalibration. This information is too critical to consumer safety to allow each glass company to draft the form and content of this disclosure. The legislature should dictate the exact form of this notice to ensure it is both clear and conspicuous to the consumer.

Second, the exclusion granted to auto glass companies should sunset. While it is appropriate to give such businesses a window to conform their business model to a new law, it is not appropriate to risk consumer safety simply because it does not conform to the manner some businesses choose to operate. Automakers have invested billions of dollars into research and development to build an ever-safer vehicle; such advancements cannot be allowed to diminish due to a chipped windshield.

Automaker concerns around the utilization of proper auto glass replacement and calibration procedures are even more urgent when one considers the rise of automated vehicle technologies. Automated vehicles will run on the data collected from ADAS cameras and sensors. The accuracy and integrity of this data stream has to be protected and the only way that can be ensured is through the use of original manufacturer repair procedures in every vehicle repair, including the replacement of automobile glass.

I have included with this testimony a proposed amendment for the committee's consideration. This amendment seeks to accomplish three things: apply the law to all glass replacement, regardless of whether it is conjunction of a larger collision repair; dictate the exact wording of the safety disclosure given to consumers; and add a sunset date to this section, to ensure over time this issue is appropriately resolved.

Thank you in advance for your consideration of our views. If I can answer any questions or provide any further information, please do not hesitate to contact me at 202-326-5550 or wweikel@autoalliance.org.

Respectfully submitted,



Wayne Weikel

Senior Director, State Government Affairs

cc: House Corporations Committee Members
Attachment

Suggested Amendment to H-6104

Respectfully submitted for consideration by the Alliance of Automobile Manufacturers

Section 1 of House Bill 6104 is hereby amended to read (new changes in red):

(e) This chapter shall not apply to the repair or replacement of motor vehicle glass performed by licensed motor vehicle glass repair shops ~~for non-collision related damage~~ pursuant to chapter 38.5 of title 5; provided, prior to the commencement of repairs, the licensed motor vehicle glass shop secures the signature of the owner of the vehicle, or their representative, on a disclosure document in duplicate with a copy being retained by the installer and a copy to be provided to the owner or their representative, which, in at least 14 point font, states the following; "ATTENTION: THIS GLASS REPAIR OR REPLACEMENT HAS NOT FOLLOWED THE GUIDELINES FOR REPAIR PRESCRIBED BY YOUR VEHICLE'S ORIGINAL MANUFACTURER. AS A RESULT, ADVANCED VEHICLE SAFETY SYSTEMS, SUCH AS LANE DEPARTURE WARNINGS, FORWARD COLLISION WARNINGS, EMERGENCY BRAKING, AND AIRBAG DEPLOYMENT MAY NOT FUNCTION AS INTENDED BY THE VEHICLE MANUFACTURER. VEHICLE OWNERS ARE STRONGLY ENCOURAGED TO BRING THE VEHICLE TO AN AUTHORIZED FRANCHISE DEALER OF THE VEHICLE MANUFACTURER OR A QUALIFIED INDEPENDENT REPAIR FACILITY TO ENSURE THE PROPER CALIBRATIONS ARE COMPLETED." ~~notified in writing that installation of an aftermarket glass will require re-calibration of safety related systems, for which;~~

(f) If the repair procedures for the installation of motor vehicle glass call for the recalibration of any vehicle system, the cost associated with recalibration shall be paid for by the insurer is responsible; provided, further, that an OEM glass is installed if specifically requested by the vehicle owner.

(g) Paragraph (e) above shall sunset and be repealed on December 31, 2022.