



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5409

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

New Act
815 ILCS 505/2Z

from Ch. 121 1/2, par. 262Z

Creates the Advanced Driver Assistance System Repair Act. Defines "advanced driver assistance system" as an electronic safety system designed to support the driver and vehicle while operating on roads and highways that is intended to increase vehicle safety and reduce losses associated with automobile crashes. Provides consumer notification requirements when an automotive glass company or repair facility makes repairs to vehicles equipped with an advanced driver assistance system. Provides that an automotive glass company or repair facility conducting a scan or recalibration for vehicle glass repair or replacement services on a vehicle equipped with an advanced driver assistance system shall recalibrate the advanced driver assistance system to meet or exceed the manufacturer's procedures or specifications. Provides that an automotive glass company or repair facility may only bill or charge for vehicle glass repair, replacement, or recalibration services that are performed and necessary. Provides that a person with actual knowledge that an advanced driver assistance system of a motor vehicle is inoperable or has not been repaired or recalibrated may not knowingly sell, offer for sale, or display for sale, the motor vehicle without providing written notice to the purchaser. Creates a private right of action and provides that a violation of the Act is an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act, subject to a civil penalty of \$500. Makes a corresponding change in the Consumer Fraud and Deceptive Business Practices Act. Effective immediately.

LRB102 21399 RAM 30515 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Advanced Driver Assistance System Repair Act.

6 Section 5. Definition. As used in this Act, "advanced
7 driver assistance system" means an electronic safety system
8 designed to support the driver and vehicle while operating on
9 roads and highways that is intended to increase vehicle safety
10 and reduce losses associated with automobile crashes.

11 Section 10. Advanced driver assistance system repair,
12 replacement, or recalibration.

13 (a) If a vehicle is equipped with an advanced driver
14 assistance system, an automotive glass company or repair
15 facility approving or conducting glass repair, replacement, or
16 recalibration shall:

17 (1) before approving or performing a vehicle glass
18 repair or replacement, inform the consumer if a
19 recalibration of that system is required and if such a
20 recalibration will be performed; and

21 (2) if performing a recalibration, meet or exceed the
22 manufacturer's specifications.

1 (b) An automotive glass company or repair facility
2 conducting a scan or recalibration for vehicle glass repair or
3 replacement services on a vehicle equipped with an advanced
4 driver assistance system:

5 (1) is not limited to vehicle glass, tooling, or
6 equipment dictated or recommended by the manufacturer's
7 procedures or specifications; and

8 (2) shall recalibrate the advanced driver assistance
9 system to meet or exceed the manufacturer's procedures or
10 specifications.

11 (c) The automotive glass company or repair facility shall
12 provide the consumer:

13 (1) an itemized description of the work to be done on
14 the vehicle; and

15 (2) if an insurer is paying all or part of the repair,
16 the total amount the insurer has agreed to pay for the work
17 described in subsection paragraph (1).

18 (d) An insurance company that makes payment for work
19 described in paragraph (1) of subsection (c) may not be
20 required to pay more than a fair and competitive price for the
21 local market area.

22 (e) An automotive glass company or repair facility may not
23 represent to a customer that the cost of a repair,
24 replacement, or recalibration will be paid for entirely by the
25 customer's insurer and at no cost to the customer unless the
26 cost of the repair, replacement, or recalibration is fully

1 covered and approved by the insurer.

2 (f) An automotive glass company or repair facility may
3 only bill or charge for vehicle glass repair, replacement, or
4 recalibration services that are performed and necessary.

5 Section 15. Notice of incomplete recalibration or
6 inoperable system.

7 (a) If a recalibration was not performed or not completed
8 successfully, the automotive glass company or repair facility
9 shall inform the consumer electronically or in writing that
10 the recalibration was not successful or was not performed and
11 that the vehicle should be taken to a vehicle manufacturer's
12 certified dealership, a qualified automobile glass company, or
13 a repair facility capable of performing the recalibration of
14 an advanced driver assistance system that meets or exceeds the
15 manufacturer's specifications.

16 (b) A person with actual knowledge that the advanced
17 driver assistance system of a motor vehicle is inoperable or
18 has not been repaired or recalibrated after a vehicle glass
19 repair or replacement may not knowingly sell, offer for sale,
20 or display for sale the motor vehicle without providing
21 written notice to the purchaser that:

22 (1) the advanced driver assistance system has not been
23 repaired or recalibrated to the manufacturer's
24 specifications; or

25 (2) the advanced driver assistance system is

1 inoperable.

2 Section 20. Penalties.

3 (a) A violation of this Act is an unlawful practice under
4 the Consumer Fraud and Deceptive Business Practices Act and is
5 subject to a civil penalty of \$500.

6 (b) In addition to any other penalties, a purchaser may
7 bring a civil action to recover damages resulting from a
8 seller's failure to provide notice under Section 15. The
9 amount of damages that may be recovered in a civil action is
10 the greater of:

11 (1) the amount of the actual damages; or

12 (2) \$1,500.

13 Section 25. The Consumer Fraud and Deceptive Business
14 Practices Act is amended by changing Section 2Z as follows:

15 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

16 Sec. 2Z. Violations of other Acts. Any person who
17 knowingly violates the Automotive Repair Act, the Automotive
18 Collision Repair Act, the Advanced Driver Assistance System
19 Repair Act, the Home Repair and Remodeling Act, the Dance
20 Studio Act, the Physical Fitness Services Act, the Hearing
21 Instrument Consumer Protection Act, the Illinois Union Label
22 Act, the Installment Sales Contract Act, the Job Referral and
23 Job Listing Services Consumer Protection Act, the Travel

1 Promotion Consumer Protection Act, the Credit Services
2 Organizations Act, the Automatic Telephone Dialers Act, the
3 Pay-Per-Call Services Consumer Protection Act, the Telephone
4 Solicitations Act, the Illinois Funeral or Burial Funds Act,
5 the Cemetery Oversight Act, the Cemetery Care Act, the Safe
6 and Hygienic Bed Act, the Illinois Pre-Need Cemetery Sales
7 Act, the High Risk Home Loan Act, the Payday Loan Reform Act,
8 the Predatory Loan Prevention Act, the Mortgage Rescue Fraud
9 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax
10 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use
11 Tax Act, the Electronic Mail Act, the Internet Caller
12 Identification Act, paragraph (6) of subsection (k) of Section
13 6-305 of the Illinois Vehicle Code, Section 11-1431, 18d-115,
14 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the Illinois
15 Vehicle Code, Article 3 of the Residential Real Property
16 Disclosure Act, the Automatic Contract Renewal Act, the
17 Reverse Mortgage Act, Section 25 of the Youth Mental Health
18 Protection Act, the Personal Information Protection Act, or
19 the Student Online Personal Protection Act commits an unlawful
20 practice within the meaning of this Act.

21 (Source: P.A. 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;
22 100-863, eff. 8-14-18; 101-658, eff. 3-23-21.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.