

SB2090



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2090

Introduced 2/9/2023, by Sen. Patrick J. Joyce

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2BBBB new

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that service providers, insurance companies, and third-party administrators working on advanced driving assistance systems or assuming responsibility for repairs to advanced driving assistance systems shall comply with specified requirements. Provides that any person who violates the provisions commits an unlawful practice within the meaning of the Act.

LRB103 28490 SPS 54871 b

A BILL FOR

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 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by adding Section 2BBBB as follows:

6 (815 ILCS 505/2BBBB new)

7 Sec. 2BBBB. Advanced driving assistance system repair.

8 (a) As used in this Section:

9 "Advanced driving assistance systems" or "ADAS" includes
10 technologies that provide driver support, such as adaptive
11 cruise control, lane departure warnings, parking assistance,
12 and surround view cameras or attempt to prevent collisions,
13 such as automatic emergency braking, forward collision
14 warning, blind spot detection, and pedestrian detection.

15 "Advanced driving assistance system" includes systems that use
16 cameras, radar, light detection and ranging technology,
17 vehicle-to-everything communication, global positioning
18 systems, and mapping data.

19 "ADAS calibration" means the precise physical alignment,
20 testing, and electronic aiming of sensors that collect data to
21 inform the vehicle's advanced driver assistance systems.

22 "Original equipment manufacturer" means a company that
23 manufactures and sells products to a buyer that the buyer then

1 sells under the buyer's own branding.

2 "Service provider" means an automotive repair shop, body
3 shop, mechanic, windshield installer, or any other entity that
4 repairs and calibrates advanced driving assistance systems.

5 "Third party" means a third-party administrator acting on
6 behalf of an insurance company or another entity who assumes
7 responsibility for needed repairs to advanced driving
8 assistance systems.

9 (b) A service provider working on advanced driving
10 assistance systems shall comply with the following
11 requirements:

12 (1) Any service provider who provides or claims to
13 provide ADAS calibration services shall have at least one
14 technician who has completed an ADAS training course
15 provided by an outside, independent source designated by
16 the Department or the calibration system's manufacturer. A
17 service provider shall submit proof of the successful
18 completion of such training to the Department of Labor for
19 verification.

20 (2) If a vehicle that is expected to have ADAS
21 calibration performed on it in conjunction with other
22 services is unable to be calibrated, the service provider
23 shall inform the customer, both verbally and in writing,
24 that the vehicle's safety systems are not fully
25 functional, and that although drivable, coordination must
26 be done to have the repair completed by a dealership or

1 other next level repair facility.

2 (3) If a service provider uses aftermarket parts that
3 could affect a vehicle's ADAS systems, or that have the
4 possibility of voiding a consumer's warranty, the customer
5 shall be informed in writing and given the option of using
6 the original equipment manufacturer's parts with
7 additional cost.

8 (4) Service providers shall not perform work that
9 contradicts the manufacturer's requirements in relation to
10 ADAS features. If a service provider deviates from a
11 manufacturer's recommended procedures, the customer shall
12 be informed in writing.

13 (5) If a service provider does not have the ability to
14 calibrate ADAS systems that are related to work the
15 service provider normally performs, the service provider
16 shall be permitted to subcontract the calibration to an
17 outside provider.

18 (c) An insurance company or third-party administrator that
19 assumes responsibility for repairs to advanced driving
20 assistance systems shall comply with the following
21 requirements:

22 (1) If a service provider remains unpaid or short paid
23 by a third party for more than 30 days after the completion
24 of service, the vehicle owner shall remain responsible for
25 the balance including any late fees.

26 (2) No third parties shall require that a service

1 provider bill them directly in order for them to pay for
2 items and services covered under insurance or other
3 agreements. A customer shall maintain the right to pay and
4 be reimbursed by a third party in a timely fashion, by
5 submitting a paid invoice as proof of service.

6 (3) Third parties shall not maintain billing practices
7 that intentionally create difficulties and complexities
8 that may allow them to hold payments for unreasonable
9 amounts of time and shall not charge late fees once that
10 third party has accepted an offer to pay on behalf of the
11 customer.

12 (4) Third parties shall not force a customer to accept
13 any product or service that may void a manufacturer's
14 warranty by threatening not to pay for the service.

15 (5) Third parties shall not orally, or in writing,
16 attempt to influence, recommend, or deter a customer from
17 choosing a specific service provider. Third parties shall
18 not make statements that call into question a service
19 provider's quality, warranty, or ability.

20 (6) Third parties shall not have a conflict of
21 interest by also being involved, or having a partnership
22 with, companies providing service to advanced driving
23 assistance systems.

24 (7) Third parties shall not demand to pay less than
25 the listed price for an item that has been given that value
26 by a manufacturer, wholesaler, dealer, or independent

1 industry benchmark calculator. The issuance of discounts
2 for these pricing benchmarks are at the discretion of the
3 service providers.

4 (8) Third parties shall not dictate a service
5 provider's labor rate. A service provider shall not charge
6 a labor rate which is grossly inconsistent with that
7 charged to other payers.

8 (9) Third parties shall have the right to know a
9 service provider's acquisition price for a part. This
10 information is permitted to be shared for items that have
11 no list price when justification is needed for
12 circumstances beyond normal guidelines.

13 (10) Third parties shall not dictate what brand a
14 service provider must use in completing service on
15 advanced driving assistance systems.

16 (11) Service providers and third parties have the
17 right to negotiate offer and acceptance agreements in
18 order to facilitate the ease of billing and amicable
19 relationships as long as it does not violate the
20 provisions described in paragraph (5). If no long-term
21 agreement is in place, the provisions of this paragraph
22 shall apply on a case-by-case basis.

23 (12) No insurance provider or its representative shall
24 issue a policy that does not cover the full cost of
25 properly repairing an ADAS-equipped vehicle without
26 expressly informing the client in both oral and written

1 form.

2 (13) Any insurance provider with active policies that
3 do not cover the full cost of repairing an ADAS-equipped
4 system must notify its customers in writing after the
5 effective date of this amendatory Act of the 103rd General
6 Assembly.

7 (d) Any person who violates this Section commits an
8 unlawful practice within the meaning of this Act.