

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

February 19, 2024

1:30 p.m.

MEMBERS PRESENT

Senator Jesse Bjorkman, Chair
Senator Click Bishop, Vice Chair
Senator Elvi Gray-Jackson
Senator Forrest Dunbar

MEMBERS ABSENT

Senator Kelly Merrick

COMMITTEE CALENDAR

SENATE BILL NO. 144

"An Act relating to rates and time allowances for motor vehicle warranty work."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 144

SHORT TITLE: RATES: MOTOR VEHICLE WARRANTY WORK

SPONSOR(S): SENATOR(S) CLAMAN

05/09/23	(S)	READ THE FIRST TIME - REFERRALS
05/09/23	(S)	L&C
02/19/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

SENATOR MATT CLAMAN, District H
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 144.

CARLY DENNIS, Staff
Senator Matt Claman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Read the sectional analysis for SB 144.

LES NICHOLS, President
Alaska Auto Dealers Association
Fairbanks, Alaska

POSITION STATEMENT: Gave a presentation on SB 144.

DAVID BRIGHT, Attorney
Alliance for Automotive Innovation
Washington D.C.

POSITION STATEMENT: Testified by invitation on SB 144.

AARON SEEKINS, Customer Relations Manager
Seekins Ford Lincoln
Fairbanks, Alaska

POSITION STATEMENT: Testified by invitation on SB 144.

MARTEN MARTENSEN, Owner and General Manager
Continental Auto Group Anchorage
Anchorage, Alaska

POSITION STATEMENT: Testified by invitation on SB 144.

SUSAN HICKS, Service Director
Gene's Chrysler Dodge Jeep Ram Fairbanks
Fairbanks, Alaska

POSITION STATEMENT: Testified by invitation on SB 144.

LUKE KINCAIDE, Master Technician
Gene's Chrysler Dodge Jeep Ram Fairbanks
Fairbanks, Alaska

POSITION STATEMENT: Testified by invitation on SB 144.

NICOLINA HERNANDEZ, Regional Director
State Government Affairs
Toyota Motors North America
Sacramento, California

POSITION STATEMENT: Testified in opposition to SB 144.

ACTION NARRATIVE

[1:30:32 PM](#)

CHAIR JESSE BJORKMAN called the Senate Labor and Commerce Standing Committee meeting to order at 1:30 p.m. Present at the call to order were Senators Grey-Jackson, Dunbar, and Chair Bjorkman. Senator Bishop arrived thereafter.

SB 144-RATES: MOTOR VEHICLE WARRANTY WORK

[1:31:22 PM](#)

CHAIR BJORKMAN announced the consideration of SENATE BILL NO. 144, "An Act relating to rates and time allowances for motor vehicle warranty work."

[1:31:31 PM](#)

CHAIR BJORKMAN turned the gavel over to Senator Gray-Jackson at 1:31 p.m.

[1:31:46 PM](#)

ACTING CHAIR GRAY-JACKSON took up the gavel and continued the meeting.

[1:32:04 PM](#)

SENATOR MATT CLAMAN, District H, Alaska State Legislature, Juneau, Alaska, sponsor of SB 144. He read the sponsor statement for SB 144:

[Original punctuation provided.]

Senate Bill 144

Sponsor Statement - Version A

"An Act relating to rates and time allowances for motor vehicle warranty work."

Senate Bill 144 makes a key change to the auto warranty statute by adding time allowances to the schedule of compensation for warranty work. Thousands of Alaskans benefit from warranty work every year as part of their agreement with auto manufacturers from whom they've purchased their car. By agreeing to sell cars on behalf of certain manufacturers, auto dealers assume the responsibility of coordinating the time and labor spent performing warranty repair work on their cars.

Warranty work differs from regular auto work in that the manufacturer compensates the dealer directly. Additionally, qualified dealers do not have the ability to refuse the work. Auto manufacturers compensate dealers for warranty work using rates and time allowances that dictate the maximum amount of time that the dealer may bill for different repairs. The rates and time allowances that manufacturers use to reimburse dealers for warranty work are often much lower than the rates and time allowances that dealers and independent mechanics bill customers for non-

warranty work. As a result, dealers are often forced to pay their mechanics more than they are compensated by the manufacturer or risk losing their mechanics to independent auto shops.

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SENATOR CLAMAN continued reading the sponsor statement for SB 144:

[Original punctuation provided.]

Across the nation, states have taken varied approaches to addressing how to ensure fair payment for dealers by manufacturers. Senate Bill 144 takes an approach used by states like Colorado, Montana, and Illinois by requiring that manufacturers compensate dealers for warranty work at the same rates and time allowances that the dealer charges retail customers for similar, non-warranty work.

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CARLY DENNIS, Staff, Senator Matt Claman, Alaska State Legislature, Juneau, Alaska, read the sectional analysis for SB 144.

[Original punctuation provided.]

Senate Bill 144
Sectional Analysis – Version A

Section 1

AS 45.25.210. Rates for warranty and other work

Amends subsection (b) to state that compensation for labor must include the rates and time allowances for warranty work.

Section 2

AS 45.25.210. Rates for warranty and other work

Amends subsection (c) to include time allowances in the schedule of compensation.

Section 3

AS 45.25.210. Rates for warranty and other work

Adds new section (j) which defines "rates" and "time allowance" for the purposes for warranty and other work.

Section 4

AS 45.25.990. Definitions

Amends the definition of "schedule of compensation" to include parts, rates for labor, and time allowances for labor.

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At ease

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ACTING CHAIR GRAY-JACKSON reconvened the meeting and announced invited testimony.

[1:36:18 PM](#)

LES NICHOLS, President, Alaska Auto Dealers Association, Fairbanks, Alaska, gave a presentation on SB 144.

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At ease

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ACTING CHAIR GRAY-JACKSON reconvened the meeting.

[1:36:54 PM](#)

MR. NICHOLS gave a presentation prepared by the Alaska Auto Dealers Association on SB 144 titled, "SENATE BILL 144 Relating to Time Allowances for Warranty Work." He spoke to points on slide 2:

[Original punctuation provided.]

Alaska Auto Dealers Association

- The AADA is a statewide association of auto dealers, both franchise new car dealers and independent used car dealers. We represent our state's auto dealers by promoting best practices, providing communication on the state of the automotive industry in Alaska, and representing dealers' concerns to our elected officials.

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MR. NICHOLS reviewed slide 3:

[Original punctuation provided.]

The Problem

- Manufacturers help themselves to a massive self-decided discount on the time they will pay dealers and our employees for their warranty repairs.
- **Automotive News February 27, 2023**
- *'Mr. White - previously worked as a field service manager for Ford and stated that manufacturers aggressively discount labor time estimates.'*
- Technicians are avoiding working for dealerships because they are paid for more hours for the same work when they work for an independent repair facility.
- Their discounts shift the expense of warranty repairs from the manufacturer, directly to Alaskan consumers, employees, and businesses.

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MR. NICHOLS advanced to slide 4, depicting data from J.D. Power's U.S. Initial Quality Study, Brand Ranking, Problems per 100 Vehicles (PP100), for the years 2019 and 2023. He noted that, in 2019, the best in the industry was Genesis (63 PP100), followed by Kia (70 PP100). Contrasting this with 2023, he pointed out that the best in the industry was Dodge (140 PP100). He noted that this data shows that vehicles are coming off the assembly line with issues that need to be addressed. He explained that it is not uncommon for his company to receive vehicles from the manufacturer that require warranty work. He also pointed out that in 2019, the highest number was 130 PP100 and contrasted this with the lowest number (140 PP100) in 2023. He commented that this increase results in more warranty work being done by automotive shops.

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MR. NICHOLS spoke to points on slide 5:

[Original punctuation provided.]

Who Is Affected

Automobile Manufacturers take these discounts out of the hands of Alaskan employees, Alaskan businesses, and the Alaskan economy to unfairly pad their bottom line.

- **Alaskan Employees** - technicians are unable to bill full hours for their work, resulting in lower pay for them and their support staff, including service writers and service managers.
- **Alaskan Businesses** - **Fairbanks** lost Buick, Cadillac, Daewoo, Hyundai, Kia (twice), Mazda, Mercedes, and VW. **Juneau** lost Chevy (once) Ford, Mazda, VW. **Ketchikan** lost Subaru, Ford, and Chevrolet. **Kenai** lost Chevrolet, **Kodiak** lost Ford. **Anchorage** lost Mitsubishi.
- **Alaskan Consumers** - The burden of manufactures' discounts directly raise prices on the Alaskan consumer.

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MR. NICHOLS reviewed slide 6:

[Original punctuation provided.]

The Solution

- This bill would require manufacturers to **pay the same number of hours for a repair** that a customer would be charged for non-warranty work **by using an industry-wide time guide** rather than their discounted time guide.
- This bill would provide protection to Alaskans by requiring manufacturers to pay **equal compensation** to technicians for doing warranty work versus non-warranty customer work.
- This bill would create **a level playing field for the Alaskan consumer** by preventing the manufacturer from inflating the cost of repairs on consumers by discounting time from dealers and our service employees.

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MR. NICHOLS spoke to points on slide 7:

[Original punctuation provided.]

Important Points

- Manufacturers believe they deserve a discount for volume work.
 - They have very sophisticated methods to extract discounts
 - They are not our biggest customers, the Alaskan consumers are.
- They claim this is a "money grab" by Dealers when we try and level the playing field, but not so when they are taking money from Alaskan workers, businesses, and consumers.
- Manufacturers know that the contracts they offer are contracts of adhesion
 - where the parties are of such disproportionate bargaining power that the party of weaker bargaining power could not have negotiated for variation in the terms of the contract.
- Manufacturers know their contracts have to be addressed by State Legislatures in order to be compliant with federal anti-trust laws.
- They know these protections can only be provided by state law.

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DAVID BRIGHT, Attorney, Alliance for Automotive Innovation, Washington D.C., testified by invitation on SB 144. He began by explaining that dealers and manufacturers depend on each other for mutual success. He commented that this has been a successful partnership for generations and added that today, dealerships are strong and profitable. He stated that SB 144 would not support long-term success. He explained that when a consumer has an issue that is covered by a warranty, the dealerships make the repair and bill the manufacturer. This process is detailed in existing statute and specifies the markup rate as well as how much the manufacturer pays the dealership. He said that SB 144 would require manufacturers to purchase more labor hours from

dealerships than the dealerships are actually performing on the vehicles when doing warranty work.

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MR. BRIGHT explained that, under the current statute, the manufacturer pays the same hourly rate that is charged to the public for labor. He stated that the manufacturer knows the precise number of labor hours they need to purchase because they have timed each repair that is covered by warranty. He noted that these times are included in a "time guide". He explained that this is then multiplied by the dealers hourly rate and the resulting amount is paid to the dealership. He stated that, by allowing dealerships to be compensated using third-party time guides - which are labor time guides used by independent repair shops. He pointed out that these guides provide time estimates and do not actually time the procedures. He added that the repair shops that use third-party time guides do not specialize in a particular brand, do not have the specialized tools for particular brands (which can speed up the repairs), and tend to work on older, higher mileage cars that take longer to repair.

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MR. BRIGHT emphasized that the manufacturers have no interest in undercompensating dealerships for warranty work. He pointed out that manufacturers have a system in place for dealerships to request additional time if the work is taking longer than the time indicated in the guide. Additionally, he explained that dealerships can request a review of the labor entries if they feel that the guide is wrong. He opined that the current system is working well and added that in the previous year, they hired a private firm to conduct a study of dealer financial statements. This study found that, on average, dealerships make a 78 percent gross profit margin on warranty labor work. He stated that this finding was unsurprising, as warranty labor work provides a guaranteed source of business that pays the dealer its retail rate and has no associated marketing costs. He clarified that manufacturers do not pay technicians directly; rather they pay dealers and have no control over how the dealerships then pay their employees. He emphasized that the manufacturers do not want to pay for unworked labor hours. He pointed out that SB 144 is not reflective of the national industry norm, with only four other states having similar laws. He added that the law in one of these states is currently being challenged as unconstitutional in federal court. He said that in 2023, 11 states considered the time guide issue and ten chose to leave it as is. He opined that SB 144 is not necessary for the

profitability of manufacturers and dealerships - who rely on each other for success.

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SENATOR BISHOP joined the meeting

[1:48:38 PM](#)

ACTING CHAIR GRAY-JACKSON acknowledged that Senator Bishop joined the meeting at 1:47 p.m.

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SENATOR DUNBAR referenced the J.D. Power data included on slide 4 of Mr. Nichol's presentation. He pointed out that the worst brand in 2019 had a better score than the best brand in 2023. He asked how Mr. Bright would explain the dramatic increase in the number of problems per vehicle.

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MR. BRIGHT replied that he had not seen this study and speculated that the increase was related to the roll-out of electric vehicles and the microchip shortage. He stressed that the manufacturer still pays the dealership based on the number of hours it takes to make repairs - even if there is a high number of warranty repairs per vehicle.

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SENATOR DUNBAR asked if the manufacturer offers specialized tools and software to independent mechanics.

[1:50:45 PM](#)

MR. BRIGHT replied that independent repair shops have access to the same repair information that dealerships do. He said he would have to get back to the committee with information regarding tools.

[1:51:06 PM](#)

SENATOR BISHOP asked if Mr. Bright has visited Alaska.

[1:51:25 PM](#)

MR. BRIGHT replied that he has been to both Juneau and Anchorage.

[1:51:30 PM](#)

SENATOR BISHOP asked if Mr. Bright has visited when it is 50 below.

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MR. BRIGHT replied that he visited in January or February.

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SENATOR BISHOP asked if Mr. Bright would agree that Alaska is different than the lower 48.

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MR. BRIGHT acknowledged that Alaska is unique but noted that other states also experience extreme low temperatures.

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SENATOR BISHOP shared his belief that Alaska is different and asked if the manufacturers that Mr. Bright represents have considered having an exclusion for Alaska.

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MR. BRIGHT replied that he did not know what type of exclusion was being referenced.

SENATOR BISHOP said that a potential exclusion could include a handicap for Alaska's harsh climate and/or increasing the hours for jobs.

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MR. BRIGHT shared his understanding that this has not been considered. He explained that there is no evidence that the time guides are wrong - or that there is any issue with the process by which dealerships can request additional time when needed.

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SENATOR DUNBAR asked if the manufacturer pays for diagnostic time and questioned how the time guides take into account the variable time it can take to determine what is wrong with a particular vehicle.

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MR. BRIGHT replied that the time guide takes everything into account. This includes pulling the car into the lot, setting it up, figuring out the problems, and technician bathroom breaks. He noted that the guide is formulated using hand tools rather than air tools. He explained that any technician who is qualified to work on the vehicle should be able to meet these times - and in some instances they may beat them. He noted that the manufacturer pays for the time listed in the time guide even if it does not take this long to complete the work. He stated that this is an objective, measured process and reiterated that no other time guide repair times are actually timed.

[1:55:34 PM](#)

AARON SEEKINS, Customer Relations Manager, Seekins Ford Lincoln, Fairbanks, Alaska, testified by invitation on SB 144. He said that Fairbanks experiences extreme weather that results in special requirements when doing vehicle repairs. He pointed out that the manufacturer's time guide does not take into account the time it takes to thaw a vehicle out before work can be done. He said that the manufacturer does not compensate dealerships for training technicians. He explained that sending technicians to attend training costs thousands of dollars. He pointed out that the warranty labor rate received from the manufacturer is less than the labor rate received by independent repair shops - even though their technicians are not trained or certified. This makes it difficult to offer technicians competitive pay. He said that his business has a great relationship with the Ford manufacturer - and both dealership and manufacturer are making a profit. He emphasized that this is not a profit grab; rather, it is an attempt to hire certified technicians at a competitive rate - and be able to compete with independent auto repair shops. He said more technicians in his facility means he is better able to take care of Alaskan consumers.

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SENATOR BISHOP asked if Mr. Seekins supports SB 144.

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MR. SEEKINS replied yes.

[1:59:06 PM](#)

MARTEN MARTENSEN, Owner and General Manager, Continental Auto Group Anchorage, Anchorage, Alaska, testified by invitation on SB 144. He said that Alaska is unique - with cold temperatures resulting in more warranty work than any other state. With respect to technicians and warranty work, he explained that technicians lose money when they do warranty work. He stated that technicians are needed by many different industries - and manufacturers are aware of the issue. He emphasized that technicians need to be paid a competitive rate and asserted that the way to keep technicians is to compensate them more for warranty work. He questioned what manufacturers would do if the dealerships lost all of the certified technicians able to perform warranty labor. He suggested that other states are working toward similar changes and there are many reasons why they have not been successful.

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At ease

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ACTING CHAIR GRAY-JACKSON reconvened the meeting.

[2:02:32 PM](#)

SUSAN HICKS, Service Director, Gene's Chrysler Dodge Jeep Ram Fairbanks, Fairbanks, Alaska, testified by invitation on SB 144. With respect to compensation for diagnostic work, she said that the dealership is given a set amount of time - 30 hours per day - for warranty work. She emphasized that the dealership uses this time up quickly, and anything above and beyond this requires manufacturer approval. She suggested that the time spent doing diagnostic work is not paid for once the daily limit is reached. She said that the manufacturer's time guides do not compensate for the time it takes to warm up vehicles that have been outside in -50 degree weather. Until the vehicle warms up, no work can be done. She pointed out that the time guides do not compensate for the removal and replacement of parts that is required in order to reach the spot where the work that needs to be done. She gave an example of a warranty repair job that would take 9.5 hours and contrasted that with the 29.5 hours paid by independent repair shops and questioned the fairness of this disparity. She pointed out that, if the independent repair shop makes a repair with a part that has a warranty, and the repair fails, the dealership must then perform work at a discounted rate.

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MS. HICKS agreed that the manufacturer supplies specialty tools for warranty work. However, she explained that the dealership must pay for all specialty tools received. She said that her dealership was recently required to replace a battery lift table - even though their previous table was fully functional. She indicated that this was an unnecessary \$16 thousand purchase. She emphasized that they have spent a large amount of money on special tools - and they do not have the option to opt out of these purchases. The tools are sent from the manufacturer and the dealership is billed for them. In addition, technician training is paid for by the dealership. She stated that all of these - plus advisor and support staff pay and the fee to have a warranty agency look over all documentation - come out of the 78 percent profit margin. She questioned how the manufacturer time guides can be considered correct when they do not account for these costs.

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ACTING CHAIR GRAY-JACKSON asked how often the dealership receives reports on how long it takes to inspect vehicles.

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MS. HICKS replied that it is not a matter of receiving reports; she explained that each repair has a labor operation associated with it - the labor operation specifies the amount of labor time the manufacturer will pay for. She said that these can change day to day and month to month - and the dealership is not notified about these changes. Changes are discovered when the report is run.

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ACTING CHAIR GRAY-JACKSON commented that she is learning a great deal about warranty work.

[2:08:05 PM](#)

LUKE KINCAIDE, Master Technician, Gene's Chrysler Dodge Jeep Ram Fairbanks, Fairbanks, Alaska, testified by invitation on SB 144. He gave several examples of how Alaska's unique environment impacts the warranty work being done. This includes the manufacturer paying for 42 minutes of work (from the time the vehicle is brought in off the lot to completion). However, in some cases, it may take hours for vehicles to thaw in order to get to the part in question. This extra time is not taken into account. He explained that cold temperatures also impact software updates. He added that there are different times given for different vehicle models, despite the parts being the same. He questioned the reasoning behind these differences. He noted that those who have been through the training and are qualified are expected to be able to meet the lower time standards.

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SENATOR DUNBAR asked if the software received from the manufacturer is a physical product or if it is cloud-based.

MR. KINCAIDE replied that it is partially cloud based. He explained that they connect the vehicle to the computer via the internet and can access the proprietary software for the update that they then program into the vehicle.

SENATOR DUNBAR asked if slower internet speeds are an issue.

MR. KINCAIDE replied that the software updates download at the current internet speed.

SENATOR DUNBAR commented that Alaska most likely takes longer than other states to download these updates.

[2:11:42 PM](#)

ACTING CHAIR GRAY-JACKSON opened public testimony on SB 144.

[2:12:01 PM](#)

NICOLINA HERNANDEZ, Regional Director of State Government Affairs, Toyota Motors North America, Sacramento, California, testified in opposition to SB 144. She said that dealerships are considered partners and proper reimbursement for warranty work is a priority. She added that this work is important for driver safety and builds trust in the brand. She offered information on what is included in the labor reimbursement for Toyota. She expressed concern that SB 144 ignores the time it actually takes to make repairs by establishing an incentive for dealerships to increase prices. She commented that SB 144 addresses a problem that does not exist. She explained that Toyota time allowances approximate the amount of time a repair should take while SB 144 ignores the actual time the technician spends on repairs. She said that this would result in higher prices for drivers. With respect to work that takes longer to perform due to weather or for other reasons, she explained the process for requesting additional time. She reiterated that it is important for technicians to be properly reimbursed for their time. She said that while the manufacturer is sympathetic to the competitive pay concerns, technician pay is a dealership human resources issue not a manufacturer mandate. She surmised that SB 144 would increase costs to the industry and the consumer by 40-50 percent. She said that Toyota is committed to supporting its dealer partners and would like to find solutions that put Alaskan consumers first.

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SENATOR BISHOP asked what Toyota's net profit was in 2023 in the United States.

[2:15:05 PM](#)

MS. HERNANDEZ replied that she does not have this information to hand.

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SENATOR BISHOP asked if Toyota has sent test mechanics to Alaska and attempted to perform work in the winter weather conditions in order to time how long it would take - and then compared this data with what Alaskan technicians are reporting.

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MS. HERNANDEZ replied that she does not have this information and offered to supply it to the committee at a later time. She reiterated that, if the repair took longer due to weather conditions, this would be paid for by going through the appeals process.

SENATOR BISHOP requested that the answers to his questions be submitted to the committee once they become available.

[2:16:38 PM](#)

SENATOR DUNBAR asked if warranties are set based on state law or if they are standard across the nation. He also asked if vehicle prices are the same nationwide.

[2:17:13 PM](#)

MS. HERNANDEZ replied that she does not have this information and deferred to Mr. Bright. She also offered to provide this information at a later time.

[2:18:21 PM](#)

SENATOR DUNBAR reiterated his question for Mr. Bright.

MR. BRIGHT answered that the industry norm is a single wholesale price for all dealers nationwide.

SENATOR DUNBAR noted that Ms. Hernandez covers the western United States and asked if this includes Colorado and Montana.

MS. HERNANDEZ replied no.

SENATOR DUNBAR asked if Toyota has stopped selling cars in Colorado or Montana.

MS. HERNANDEZ replied not to her knowledge.

SENATOR DUNBAR asked for clarification that the dealers in Colorado and Montana receive the same wholesale price as dealers in other states.

MS. HERNANDEZ replied that this is her understanding.

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LUKE KINCAIDE returned to offer a comparison of industry standard and manufacturer time guides. He explained that industry standard time guides are within 10-12 percent of each other with respect to the time allotted for job completion. He

pointed out that the times in the industry standard guides are substantially more than those set forth in the manufacturer time guides. He said that he is aware of multiple master technicians who have attempted to complete jobs within the manufacturer's time guide limits and were not successful. He explained the process of diagnosing an engine issue, which often requires the technician to remove various parts in order to discover the root cause of the failure. As a result, the actual time spent to complete a repair might be 12 hours (including the time required to remove and replace overlying parts), but the manufacturer only authorizes 9 hours of work (for the work done on the root of the problem).

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ACTING CHAIR GRAY-JACKSON closed public testimony and held SB 144 in committee.

[2:21:47 PM](#)

There being no further business to come before the committee, Acting Chair Gray-Jackson adjourned the Senate Labor and Commerce Standing Committee meeting at 2:21 p.m.