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H.P. 803

House of Representatives, March 25, 2025

An Act to Clarify Certain Terms in the Automotive Right to Repair Laws

Reference to the Committee on Housing and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ROBERTS of South Berwick.
Cosponsored by Representatives: COLLAMORE of Pittsfield, CROCKETT of Portland,
GOLEK of Harpswell, MINGO of Calais, WALKER of Naples, Senators: GUERIN of
Penobscot, RAFFERTY of York.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §1801**, as amended by IB 2023, c. 3, §§1 and 2, is further
3 amended to read:

4 **§1801. Definitions**

5 As used in this subchapter, unless the context otherwise indicates, the following terms
6 have the following meanings.

7 **1. Customer.** "Customer" means a person, including, but not limited to, an agent, who
8 contracts with a repair facility for repair of a motor vehicle.

9 **1-A. Diagnostic and repair information.** "Diagnostic and repair information" means
10 the electronic messages transmitted between a diagnostic scan tool and an electronic
11 control unit on board a motor vehicle for the purpose of performing diagnosis, tests and
12 repairs of the vehicle.

13 **1-B. Independent repair facility.** "Independent repair facility" means a person or
14 business operated in accordance with the laws of the State that is not affiliated with a
15 manufacturer or manufacturer's authorized dealer and that is engaged in the diagnosis,
16 service, maintenance or repair of motor vehicles or motor vehicle engines, except that
17 "independent repair facility" includes a manufacturer's authorized dealer or other entity
18 within a manufacturer's certified repair network when the dealer or other entity is engaged
19 in the diagnosis, service, maintenance or repair of a motor vehicle or motor vehicle engine
20 that is not affiliated with the manufacturer.

21 **2. Flat rate.** "Flat rate" means a method of calculating charges for labor that is based
22 on the specific repair done and not on the amount of time actually spent on that repair.

23 **2-A. Mechanical data.** "Mechanical data" means any vehicle-specific data, including
24 telematics system data, generated by, stored in or transmitted by a motor vehicle and used
25 in the diagnosis, repair or maintenance of a motor vehicle.

26 **2-B. Mobile-based application.** "Mobile-based application" means software
27 designed for mobile devices that facilitates access to motor vehicle telematics system or
28 diagnostic and repair information.

29 **2-C. Owner-authorized.** "Owner-authorized" means that an owner has provided
30 explicit consent for accessing or sharing motor vehicle data for a specified amount of time
31 and scope of access in compliance with applicable laws governing privacy and data sharing,
32 including but not limited to the federal Driver's Privacy Protection Act of 1994, 18 United
33 States Code, Sections 2721 to 2725 (2000).

34 **2-D. Platform, access platform and standardized access platform.** "Platform,"
35 "access platform" and "standardized access platform" mean technology to facilitate the
36 delivery of motor vehicle data.

37 **2-E. Reliable and accepted systems.** "Reliable and accepted systems" means systems
38 that have been validated under regulatory standards, tested for reliability and safety and
39 standardized for use in diagnostics and vehicle repairs.

40 **3. Repair.** "Repair" means the examination, maintenance, servicing, adjustment,
41 improvement, replacement, removal or installation of a part of a motor vehicle, including,

1 but not limited to, body work, painting and incidental services such as storage and towing,
2 and excluding the sale of motor fuel.

3 **4. Repair facility.** "Repair facility" means a motor vehicle repair facility offering
4 services to the general public for compensation.

5 **4-A. Securely communicating.** "Securely communicating" means communicating
6 data using encryption or secure data transmission protocols to protect owner privacy and
7 prevent unauthorized access to data.

8 **4-B. Service information.** "Service information" means diagnosis, service and repair
9 information and procedures, technical service bulletins, troubleshooting guides, wiring
10 diagrams and training materials useful for self-study outside a manufacturer's training
11 classroom.

12 **5. Shop supplies.** "Shop supplies" means small parts and materials used or consumed
13 in the process of repair, including, but not limited to, nuts and bolts, electrical wire, rags,
14 tape, brake cleaners and other items maintained as inventory.

15 **6. Telematics system.** "Telematics system" means a system in a motor vehicle that
16 collects information generated by the operation of the vehicle and transmits that
17 information using wireless communications to a remote receiving point where the
18 information is stored or used. "Telematics system" includes, but is not limited to, any of
19 the following services:

20 A. Automatic airbag deployment and crash notification;

21 B. Remote diagnostics;

22 C. Navigation;

23 D. Vehicle location;

24 E. Remote door unlock;

25 F. Transmitting emergency and vehicle location information to public safety
26 answering points; and

27 G. Any other service integrating vehicle location technology, wireless
28 communications or convenience features in a vehicle.

29 **Sec. 2. 29-A MRSA §1810, sub-§1**, as enacted by IB 2023, c. 3, §3, is amended to
30 read:

31 **1. Access to diagnostic systems.** Access to the vehicle on-board diagnostic systems
32 of all motor vehicles, ~~including commercial motor vehicles and heavy duty vehicles having~~
33 ~~a gross vehicle weight rating of more than 14,000 pounds~~, must be standardized and made
34 accessible to owners and independent repair facilities and the access may not require
35 authorization by the manufacturer, directly or indirectly, unless that authorization is
36 standardized across all makes and models of motor vehicles sold in this State and is
37 administered by the independent entity described in subsection 2.

38 **Sec. 3. 29-A MRSA §1810, sub-§1-A** is enacted to read:

39 **1-A. Definitions.** As used in this section, unless the context otherwise indicates, the
40 following terms have the following meanings.

1 A. "Dealer" means a person engaged in the business of buying, selling, exchanging or
2 offering to negotiate, negotiating or advertising the sale of a motor vehicle under a
3 franchise agreement with a manufacturer and that:

4 (1) Has an established place of business for those purposes in this State;

5 (2) Has a current dealer license issued by the Secretary of State; and

6 (3) Is engaged in the diagnosis, service, maintenance or repair of motor vehicles
7 or motor vehicle engines under the terms of the franchise agreement.

8 B. "Manufacturer" means a person engaged in the business of manufacturing or
9 assembling new motor vehicles that are sold in this State.

10 C. "Motor vehicle" means a self-propelled vehicle that has a seating capacity of not
11 more than 15 persons, including the operator, and is not operated exclusively on
12 railroad tracks. "Motor vehicle" does not include:

13 (1) A vehicle used primarily for commercial purposes;

14 (2) A motorcycle;

15 (3) A snowmobile as defined in Title 12, section 13001, subsection 25;

16 (4) An all-terrain vehicle as defined in Title 12, section 13001, subsection 3; or

17 (5) A motorized wheelchair, an electric personal assistive mobility device or an
18 electric bicycle.

19 D. "Owner" means a person or business that owns or leases a motor vehicle registered
20 in this State.

21 **Sec. 4. 29-A MRSA §1810, sub-§3**, as enacted by IB 2023, c. 3, §3, is amended to
22 read:

23 **3. Model year 2002 motor vehicles.** For model year 2002 motor vehicles, ~~including~~
24 ~~commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating~~
25 ~~of more than 14,000 pounds~~, each manufacturer of motor vehicles sold in this State shall
26 make available for purchase under fair and reasonable terms by owners and independent
27 repair facilities all diagnostic repair tools, parts, software and components incorporating
28 the same diagnostic, functional repair and wireless capabilities that the manufacturer makes
29 available to its authorized repair shops. Each manufacturer shall:

30 A. Provide diagnostic repair information to each aftermarket scan tool company and
31 each 3rd-party service information provider with whom the manufacturer has
32 appropriate licensing, contractual or confidentiality agreements for the sole purpose of
33 building aftermarket diagnostic tools and 3rd-party service information publications
34 and systems. Once a manufacturer makes information available pursuant to this
35 paragraph, the manufacturer is considered to have satisfied its obligations under this
36 paragraph and thereafter is not responsible for the content and functionality of
37 aftermarket diagnostic tools or service information systems;

38 B. Make available for purchase by owners of motor vehicles and by independent repair
39 facilities the same diagnostic and repair information, including repair technical
40 updates, that the manufacturer makes available to its authorized repair shops through
41 the manufacturer's Internet-based diagnostic and repair information system; and

1 C. Provide access to the manufacturer's diagnostic and repair information system for
2 purchase by owners of motor vehicles and independent repair facilities on a daily,
3 monthly and yearly subscription basis and upon fair and reasonable terms.

4 All parts, tools, software and other components necessary to complete a full repair of the
5 vehicle, as referenced in this subsection, must be included and provided to owners of motor
6 vehicles and authorized independent repair shops.

7 **Sec. 5. 29-A MRSA §1810, sub-§4**, as enacted by IB 2023, c. 3, §3, is amended to
8 read:

9 **4. Model year 2002-2017 motor vehicles.** For model year 2002-2017 motor vehicles,
10 ~~including commercial motor vehicles and heavy duty vehicles having a gross vehicle~~
11 ~~weight rating of more than 14,000 pounds,~~ access to a vehicle's on-board diagnostic and
12 repair information system must be the same for an owner or an independent repair facility
13 as that provided to a new vehicle dealer.

14 **Sec. 6. 29-A MRSA §1810, sub-§5**, as enacted by IB 2023, c. 3, §3, is amended to
15 read:

16 **5. Model year 2018 and later motor vehicles.** For model year 2018 and later motor
17 vehicles, ~~including commercial motor vehicles and heavy duty vehicles having a gross~~
18 ~~vehicle weight rating of more than 14,000 pounds,~~ access to the on-board diagnostic and
19 repair information system must be available through use of an off-the-shelf personal
20 computer with sufficient memory, processor speed, connectivity and other capabilities as
21 specified by the vehicle manufacturer and:

22 A. A nonproprietary vehicle interface device that complies with SAE International
23 standard J2534, SAE International standard J1939, commonly referred to as SAE
24 J2534 and SAE J1939, the International Organization for Standardization standard
25 22900, commonly referred to as ISO 22900, or any successor to SAE J2534, SAE
26 J1939 or ISO 22900 as may be accepted or published by SAE International or the
27 International Organization for Standardization, as appropriate;

28 B. An on-board diagnostic and repair information system integrated into and entirely
29 self-contained within the vehicle, including, but not limited to, service information
30 systems integrated into an on-board display; and

31 C. A system that provides direct access to on-board diagnostic and repair information
32 through a nonproprietary vehicle interface, such as ethernet, universal serial bus or
33 digital versatile disc.

34 Each manufacturer shall provide access to the same on-board diagnostic and repair
35 information available to their dealers, including technical updates to such on-board
36 systems, through such nonproprietary interfaces as referenced in this subsection. All parts,
37 tools, software and other components necessary to complete a full repair of a vehicle, as
38 referenced in this subsection, must be included and provided to motor vehicle owners and
39 authorized independent repair shops.

40 **Sec. 7. 29-A MRSA §1810, sub-§6**, as enacted by IB 2023, c. 3, §3, is amended to
41 read:

42 **6. Required equipment.** Not later than ~~one year from the effective date of this section~~
43 January 5, 2025, a manufacturer of motor vehicles sold in this State, ~~including commercial~~

1 motor vehicles and heavy-duty vehicles having a gross vehicle weight rating of more than
2 14,000 pounds, that uses a telematics system is required to equip vehicles sold in this State
3 with an inter-operable, standardized and owner-authorized access platform across all of the
4 manufacturer's makes and models. The platform must be capable of securely
5 communicating all mechanical data emanating directly from the motor vehicle via direct
6 data connection to the platform. The platform must be directly accessible by the motor
7 vehicle owner through a mobile-based application and, upon the authorization of the owner,
8 all mechanical data must be directly accessible by an independent repair facility or a
9 licensed dealer as described in section 851, subsections 2 and 9, limited to the time to
10 complete the repair or for a period of time agreed to by the motor vehicle owner for the
11 purposes of maintaining, diagnosing and repairing the motor vehicle. Access must include
12 the ability to send commands to in-vehicle components if needed for purposes of
13 maintenance, diagnostics and repair. All parts, tools, software and other components
14 necessary to complete a full repair of the vehicle, as referenced in this subsection, must be
15 included and provided to motor vehicle owners and authorized independent repair shops.

16 **Sec. 8. 29-A MRS §1811, sub-§3**, as enacted by IB 2023, c. 3, §4, is amended to
17 read:

18 **3. Provision of notice.** When selling or leasing motor vehicles containing a telematics
19 system, a dealer as defined in section 851, subsection 2 and a new vehicle dealer as defined
20 in section 851, subsection 9 shall provide the telematics system notice under subsection 1
21 to the prospective owner, obtain the prospective owner's signed certification that the
22 prospective owner has read the notice and provide a copy of the signed notice to the
23 prospective owner. A dealer's failure to comply with the provisions of this subsection is
24 grounds for any action by the licensing authority relative to the dealer's license, up to and
25 including revocation.

26 **Sec. 9. 29-A MRS §1811**, as enacted by IB 2023, c. 3, §4, is amended by enacting
27 at the end a new paragraph to read:

28 As used in this section, "dealer," "motor vehicle" and "owner" have the same meanings
29 as provided in section 1810, subsection 1-A.

30 SUMMARY

31 This bill adds and clarifies definitions for terms contained within the automotive right
32 to repair laws enacted by Initiated Bill 2023, chapter 3.

33 The bill reduces the applicability of the automotive right to repair laws to a narrower
34 class of vehicles. Under the bill, motor vehicles subject to the right to repair provisions
35 enacted by Initiated Bill 2023, chapter 3 are self-propelled vehicles, not exclusively
36 operated on railroad tracks, that have a seating capacity of not more than 15 persons,
37 including the operator. The bill specifies that the following types of vehicles are not subject
38 to the provisions enacted by Initiated Bill 2023, chapter 3: vehicles used primarily for
39 commercial purposes; motorcycles; snowmobiles; all-terrain vehicles and motorized
40 wheelchairs, electric personal assistive mobility devices or electric bicycles.