



132nd MAINE LEGISLATURE

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Legislative Document

No. 1394

H.P. 916

House of Representatives, April 1, 2025

**An Act to Support Maine's Electric Vehicle Adoption Goals by
Providing an Exclusion for Electric Vehicles from Certain
Requirements of the Right to Repair Law**

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

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

ROBERT B. HUNT
Clerk

Presented by Representative ROBERTS of South Berwick.
Cosponsored by Representative: COLLAMORE of Pittsfield.

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

2 **Sec. 1. 29-A MRSA §1801, sub-§1-A** is enacted to read:

3 **1-A. Electric vehicle.** "Electric vehicle" means a motor vehicle that is a battery
4 electric vehicle, as defined in Title 35-A, section 10126, subsection 1, paragraph A, or a
5 plug-in hybrid electric vehicle, as defined in Title 35-A, section 10126, subsection 1,
6 paragraph D.

7 **Sec. 2. 29-A MRSA §1801, sub-§2-B** is enacted to read:

8 **2-B. Manufacturer.** "Manufacturer" means a person engaged in the business of
9 manufacturing or assembling new motor vehicles that are sold in this State.

10 **Sec. 3. 29-A MRSA §1801, sub-§6,** as enacted by IB 2023, c. 3, §2, is amended to
11 read:

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

17 A. Automatic airbag deployment and crash notification;

18 B. Remote diagnostics;

19 C. Navigation;

20 D. Vehicle location;

21 E. Remote door unlock;

22 F. Transmitting emergency and vehicle location information to public safety
23 answering points; and

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

26 **Sec. 4. 29-A MRSA §1810, sub-§7,** as enacted by IB 2023, c. 3, §3, is repealed
27 and the following enacted in its place:

28 **7. Exclusions.** Notwithstanding any provision of this section to the contrary, the
29 following exclusions from the requirements of this section apply.

30 A. A manufacturer of motor vehicles sold in the United States may exclude diagnostic,
31 service and repair information necessary to reset an immobilizer system or security-
32 related electronic module from information provided to motor vehicle owners and
33 independent repair facilities. If excluded under this paragraph, the information
34 necessary to reset an immobilizer system or security-related electronic module must be
35 made available to motor vehicle owners and independent repair facilities through the
36 secure data release model system as used on January 5, 2024 by the National
37 Automotive Service Task Force or other known, reliable and accepted systems.

38 B. A manufacturer of motor vehicles sold in the United States may be excluded from
39 the requirements of subsection 6 and any other telematics systems requirements of this
40 section for any electric vehicle sold by the manufacturer if:

1 (1) The electric vehicle's telematics system complies with applicable security and
2 privacy standards of the Federal Trade Commission and the United States
3 Department of Transportation, National Highway Traffic Safety Administration as
4 set forth in rules adopted by the Department of Environmental Protection pursuant
5 to subsection 7-A; and

6 (2) The manufacturer meets the electric vehicle availability threshold established
7 by the Department of Environmental Protection by rule pursuant to subsection 7-A.

8 To qualify for the exclusion under this paragraph for an electric vehicle, the
9 manufacturer shall annually provide to the Department of Environmental Protection
10 for review and approval a certification that it satisfies the requirements of
11 subparagraphs (1) and (2).

12 **Sec. 5. 29-A MRSA §1810, sub-§7-A** is enacted to read:

13 **7-A. Electric vehicle availability threshold; report.** In consultation with the
14 Department of Transportation and the Governor's Energy Office, the Department of
15 Environmental Protection shall adopt routine technical rules, as defined in Title 5, chapter
16 375, subchapter 2-A, for the purposes of administering the exclusion under subsection 7,
17 paragraph B, which must, at a minimum:

18 A. Establish an electric vehicle availability threshold that a manufacturer must meet
19 for the purposes of the exclusion under subsection 7, paragraph B that sets forth a
20 minimum number of electric vehicles that must be annually delivered for sale or lease
21 to all motor vehicle dealers in the State by a manufacturer of motor vehicles or a
22 minimum percentage of electric vehicles out of the total number of all vehicles of that
23 manufacturer that are delivered for sale or lease to all dealers. In establishing the
24 threshold, the Department of Environmental Protection shall, at a minimum, account
25 for the electric vehicle adoption goals outlined in the climate action plan under Title
26 38, section 577 and motor vehicle and electric vehicle market conditions;

27 B. Include a process by which the Department of Environmental Protection shall
28 annually review the electric vehicle availability threshold under paragraph A and adjust
29 that threshold based on changes in electric vehicle adoption, market conditions or other
30 factors determined by the department;

31 C. Identify the applicable security and privacy standards of the Federal Trade
32 Commission and the United States Department of Transportation, National Highway
33 Traffic Safety Administration that a manufacturer of motor vehicles must certify that
34 an electric vehicle complies with for the exclusion under subsection 7, paragraph B to
35 apply to the electric vehicle; and

36 D. Include a process by which a manufacturer of motor vehicles may submit to the
37 Department of Environmental Protection the certification described in paragraph C for
38 the exclusion under subsection 7, paragraph B to apply to an electric vehicle sold by
39 the manufacturer.

40 By January 15, 2026, and annually thereafter, the Department of Environmental Protection
41 shall submit to the joint standing committee of the Legislature having jurisdiction over
42 environment and natural resources matters a report providing, at a minimum, information
43 regarding the number of manufacturer certifications reviewed and approved or denied
44 pursuant to subsection 7, paragraph B; an assessment of the effect of those exclusions on

1 electric vehicle adoption in the State and on consumer safety, data privacy and the
2 availability of diagnostic, service and repair information; and recommendations, including
3 proposed legislation, for amendments to the exclusion in subsection 7, paragraph B or the
4 department's rule-making authority in this subsection. After review, the committee may
5 report out legislation relating to the report.

6 **SUMMARY**

7 This bill amends the motor vehicle right to repair law to provide an exclusion from
8 certain telematics systems requirements for electric vehicles sold by a motor vehicle
9 manufacturer if the manufacturer annually certifies to the Department of Environmental
10 Protection that the electric vehicle's telematics system complies with applicable security
11 and privacy standards of the Federal Trade Commission and the United States Department
12 of Transportation, National Highway Traffic Safety Administration and the manufacturer
13 meets the electric vehicle availability threshold established in department rule. The
14 threshold must set forth a minimum number of electric vehicles that must be annually
15 delivered for sale or lease to all motor vehicle dealers in the State by a manufacturer of
16 motor vehicles or a minimum percentage of electric vehicles out of the total number of all
17 vehicles of that manufacturer that are delivered for sale or lease to all dealers.

18 By January 15, 2026, and annually thereafter, the Department of Environmental
19 Protection must submit to the joint standing committee of the Legislature having
20 jurisdiction over environment and natural resources matters a report providing information
21 regarding the number of electric vehicle exclusions reviewed and approved or denied; an
22 assessment of the effect of those exclusions on electric vehicle adoption and on consumer
23 safety, data privacy and the availability of diagnostic, service and repair information; and
24 recommendations, including proposed legislation, for necessary amendments to the
25 exclusion. After reviewing the report, the committee may report out related legislation.