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Date: (Filing No. H-)

HOUSING AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 803, L.D. 1228, “An Act to Clarify Certain Terms in the Automotive Right to Repair Laws”

Amend the bill by striking out the title and substituting the following:

'An Act to Clarify Certain Terms in and to Make Other Changes to the Automotive Right to Repair Laws'

Amend the bill by inserting before section 1 the following:

'Sec. 1. 5 MRSA §12004-G, sub-§5-B is enacted to read:

5-B.

Commerce and Trade Motor Vehicle Right to Repair Commission Not Authorized 29-A MRSA §1810, sub-§2-A

Amend the bill in section 2 in subsection 1 in the 2nd and 3rd lines (page 2, lines 32 and 33 in L.D.) by striking out the following: "~~including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds,~~" and inserting the following: ', including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds,'

Amend the bill in section 2 in subsection 1 in the last 2 lines (page 2, lines 36 and 37 in L.D.) by striking out the following: "and is administered by the independent entity described in subsection 2" and inserting the following: '~~and is administered by the independent entity described in subsection 2~~'

Amend the bill in section 3 in subsection 1-A in paragraph C in the first line (page 3, line 10 in L.D.) by inserting after the following: "self-propelled vehicle" the following: 'designed primarily for on-road use'

Amend the bill by inserting after section 3 the following:

'Sec. 4. 29-A MRSA §1810, sub-§2, as enacted by IB 2023, c. 3, §3, is repealed.

COMMITTEE AMENDMENT

1 **Sec. 5. 29-A MRSA §1810, sub-§2-A** is enacted to read:

2 **2-A. Motor Vehicle Right to Repair Commission.** This subsection governs the
3 composition, activities and duties of the Motor Vehicle Right to Repair Commission, as
4 established in Title 5, section 12004-G, subsection 5-B and referred to in this section as
5 "the commission."

6 A. The commission consists of the following 12 members, appointed by the Governor:

7 (1) Three members representing motor vehicle manufacturers, at least one of whom
8 must represent an organization of motor vehicle manufacturers and at least one of
9 whom must represent a manufacturer of heavy duty vehicles;

10 (2) One member representing aftermarket parts manufacturers;

11 (3) One member representing diagnostic tool manufacturers;

12 (4) One member representing aftermarket parts distributors and retailers;

13 (5) Three members representing independent repair facilities in the State, at least
14 one of whom must be an owner or operator of an independent repair facility
15 specializing in automobile repair and at least one of whom must be an owner or
16 operator of an independent repair facility specializing in heavy duty vehicle repair;

17 (6) One member representing new motor vehicle dealers in the State;

18 (7) One member with expertise in automotive cybersecurity matters; and

19 (8) One member representing the public, who must be a resident of the State and
20 who serves as the chair of the commission.

21 In making appointments under this paragraph, the Governor may take into
22 consideration any nominations for appointments that are timely made by industry
23 stakeholders or trade associations.

24 B. Members of the commission are appointed to 3-year terms. The commission shall
25 meet at least quarterly but may meet more frequently at the chair's discretion. The
26 Attorney General may provide administrative support to the commission, within the
27 limits of existing resources.

28 C. The commission:

29 (1) Shall monitor and assess implementation of and motor vehicle manufacturers'
30 compliance with the requirements of this section;

31 (2) Shall attempt to informally resolve any complaints from owners and
32 independent repair facilities alleging manufacturer noncompliance with the
33 requirements of this section, and, if a complaint cannot be resolved informally,
34 consider whether to refer the matter to the Attorney General for potential
35 enforcement action;

36 (3) Shall designate one or more technical experts with whom the Attorney General
37 may consult in assessing enforcement referrals and maintaining enforcement
38 actions; and

39 (4) May issue recommendations for best practices for manufacturer use in
40 providing access to motor vehicle data and may solicit input from stakeholders and

1 other interested parties regarding privacy issues associated with the disclosure of
2 motor vehicle data.

3 D. By January 15, 2026, and annually thereafter, the commission shall submit to the
4 Governor, the Attorney General and the joint standing committee of the Legislature
5 having jurisdiction over business matters a report outlining the commission's activities
6 during the preceding year, describing any implementation or compliance issues relating
7 to this section that the commission identified and recommending any changes to this
8 section to address implementation, compliance or other identified issues. After
9 reviewing the report, the joint standing committee may report out legislation relating
10 to the report.'

11 Amend the bill in section 4 in subsection 3 in the first line (page 3, line 23 in L.D.) by
12 striking out the following: "**motor vehicles**" and inserting the following: '**and later motor**
13 **vehicles; diagnostic repair tools, parts, software and components**'

14 Amend the bill in section 4 in subsection 3 in the first line (page 3, line 23 in L.D.) by
15 inserting after the following: "2002" the following: 'and later'

16 Amend the bill in section 4 in subsection 3 in the 3rd line (page 3, line 25 in L.D.) by
17 striking out the following: "each manufacturer of motor vehicles sold in this State" and
18 inserting the following: '~~each manufacturer of motor vehicles sold in this State a~~
19 manufacturer'

20 Amend the bill in section 4 in subsection 3 in paragraph A in the 5th line (page 3, line
21 34 in L.D.) by striking out the following: "Once a manufacturer" and inserting the
22 following: '~~Once a~~ A manufacturer that'

23 Amend the bill in section 4 in subsection 3 in paragraph A in the 6th line (page 3, line
24 35 in L.D.) by striking out the following: ", the manufacturer is considered to have" and
25 inserting the following: '~~the manufacturer is considered to have~~ has'

26 Amend the bill in section 4 in subsection 3 in the first blocked paragraph in the 2nd
27 line (page 4, line 5 in L.D.) by striking out the following: "included and" and inserting the
28 following: '~~included and~~'

29 Amend the bill by striking out all of section 5 and inserting the following:

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

32 **4. Model year 2002-2017 motor vehicles; access to on-board diagnostic and repair**
33 **information system.** For model year 2002-2017 motor vehicles, including commercial
34 motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than
35 14,000 pounds, a manufacturer shall provide access to a vehicle's on-board diagnostic and
36 repair information system ~~must be the same for~~ to an owner or an owner-authorized
37 independent repair facility to the same extent as that access is provided to a new vehicle
38 dealer.'

39 Amend the bill in section 6 in subsection 5 in the first line (page 4, line 16 in L.D.) by
40 inserting after the following: "**vehicles**" the following: '**; access to on-board diagnostic**
41 **and repair information system**'

42 Amend the bill in section 6 in subsection 5 in the 2nd and 3rd lines (page 4, lines 17
43 and 18 in L.D.) by striking out the following: "~~including commercial motor vehicles and~~

1 heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds," and
2 inserting the following: 'including commercial motor vehicles and heavy duty vehicles
3 having a gross vehicle weight rating of more than 14,000 pounds, a manufacturer shall
4 provide'

5 Amend the bill in section 6 in subsection 5 in the 4th line (page 4, line 19 in L.D.) by
6 striking out the following: "must be available" and inserting the following: '~~must be~~
7 ~~available~~'

8 Amend the bill in section 6 in subsection 5 in the 6th line (page 4, line 21 in L.D.) by
9 striking out the following: "vehicle" and inserting the following: '~~vehiele~~'

10 Amend the bill in section 6 in subsection 5 in paragraph B in the last line (page 4, line
11 30 in L.D.) by striking out the following: "and" and inserting the following: '~~and~~ or'

12 Amend the bill in section 6 in subsection 5 in the first blocked paragraph in the 5th line
13 (page 4, line 38 in L.D.) by striking out the following: "included and" and inserting the
14 following: '~~included and~~'

15 Amend the bill by striking out all of section 7 and inserting the following:

16 '**Sec. 7. 29-A MRSA §1810, sub-§6**, as enacted by IB 2023, c. 3, §3, is repealed.

17 **Sec. 8. 29-A MRSA §1810, sub-§6-A** is enacted to read:

18 **6-A. Telematics system; diagnostic and repair function.** Not later than 24 months
19 after the effective date of this subsection, a manufacturer that enables its dealers or
20 designated motor vehicle repair facilities in the State to perform a diagnostic and repair
21 function on the manufacturer's motor vehicles sold in the State that use a telematics system
22 shall make available, on fair and reasonable terms, to an owner of the manufacturer's motor
23 vehicle that uses a telematics system or to an owner-authorized independent repair facility
24 of the owner's choosing the means to perform the diagnostic and repair function on the
25 motor vehicle in a manner commensurate to that offered by the manufacturer to its dealers
26 and designated motor vehicle repair facilities in the State, which must include the capability
27 to remotely perform the diagnostic and repair function if the manufacturer enables its
28 dealers and designated motor vehicle repair facilities in the State to remotely perform that
29 function.

30 **Sec. 9. 29-A MRSA §1810, sub-§8**, as enacted by IB 2023, c. 3, §3, is repealed
31 and the following enacted in its place:

32 **8. Enforcement; civil action.** If the commission has reason to believe that a
33 manufacturer has violated any provision of this section, the commission shall notify the
34 Attorney General of that potential violation. In response to such a referral from the
35 commission, or in any other instance in which the Attorney General has reason to believe
36 that a manufacturer has violated any provision of this section, the Attorney General may
37 institute an action in the Superior Court of any county of the State to enforce the
38 requirements of this section. The Attorney General may seek injunctive relief and a civil
39 penalty of not more than \$10,000 for each violation of this section.

40 An owner or owner-authorized independent repair facility that has been denied access by a
41 manufacturer to mechanical data in violation of this section may initiate a civil action
42 seeking any remedies under law. Each denial of access to an owner or owner-authorized

1 independent repair facility is compensable by an award of treble damages or \$10,000,
2 whichever amount is greater.'

3 Amend the bill by inserting after section 9 the following:

4 '**Sec. 10. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title
5 29-A, section 1810, subsection 2-A, paragraph B, of the members initially appointed to the
6 Motor Vehicle Right to Repair Commission, 4 members must be appointed to an initial
7 term of one year, 4 members must be appointed to an initial term of 2 years and 4 members
8 must be appointed to an initial term of 3 years. '

9 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
10 number to read consecutively.

11 **SUMMARY**

12 This amendment, which is the majority report of the committee, changes the title of the
13 bill. It amends the automotive right to repair law by repealing the provisions of that law
14 that established an independent entity and instead establishes the Motor Vehicle Right to
15 Repair Commission, which is charged with, among other things, monitoring and assessing
16 implementation of and manufacturers' compliance with the requirements of that law. The
17 amendment also makes other clarifying changes to the automotive right to repair law,
18 including changes regarding the required equipment under that law, access to diagnostic
19 and repair functions and enforcement of the law.

20 **FISCAL NOTE REQUIRED**

21 **(See attached)**