1 L.D. 1467

2 Date: (Filing No. H-)

4 Reproduced and distributed under the direction of the Clerk of the House.

5 **STATE OF MAINE**

6 **HOUSE OF REPRESENTATIVES**

7 **132ND LEGISLATURE**

8 **FIRST SPECIAL SESSION**

9 COMMITTEE AMENDMENT " " to H.P. 959, L.D. 1467, "An Act to Ensure
10 Accountability for Repairs Conducted by Independent Repair Facilities on Motor Vehicles
11 Under Warranty"

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

13 **'An Act to Require Independent Repair Facilities to Provide Certain Disclosures to**
14 **Consumers'**

15 Amend the bill by striking out everything after the enacting clause and inserting the
16 following:

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

18 **1-A. Consumer.** "Consumer" has the same meaning as in Title 10, section 1161,
19 subsection 1.

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

21 **2-B. Independent repair facility.** "Independent repair facility" means a person or
22 business operated in accordance with the laws of the State that is not affiliated with a
23 manufacturer or manufacturer's authorized dealer and that is engaged in the diagnosis,
24 service, maintenance or repair of motor vehicles or motor vehicle engines, except that
25 "independent repair facility" includes a manufacturer's authorized dealer or other entity
26 within a manufacturer's certified repair network when the dealer or other entity is engaged
27 in the diagnosis, service, maintenance or repair of a motor vehicle or motor vehicle engine
28 that is not affiliated with the manufacturer.

29 **Sec. 3. 29-A MRSA §1812** is enacted to read:

30 **§1812. Independent repair facilities; disclosure to consumers**

31 **1. Disclosure to consumers.** Prior to performing a repair on a consumer's motor
32 vehicle, an independent repair facility shall disclose to the consumer in writing that:

33 A. Except in situations when the independent repair facility is a manufacturer's
34 authorized dealer or other entity within a manufacturer's certified repair network, the

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1 independent repair facility is not affiliated with a motor vehicle manufacturer or a
2 franchised new motor vehicle dealer;

3 B. The independent repair facility may not have all of the tools, software and
4 designated tools the manufacturer requires of its new motor vehicle dealer franchisees;

5 C. The technicians employed by the independent repair facility do not have all
6 technician certifications and continuing education requirements that technicians of a
7 franchised motor vehicle dealer may have; and

8 D. There are no manufacturer warranty obligations associated with repairs performed
9 by an independent repair facility.

10 An independent repair facility may comply with the requirements of this section by use of
11 a poster containing the same disclosures, which must be posted in a place where it will be
12 reasonably likely to be seen by customers and be at least 18 inches by 24 inches in size.

13 **2. Unfair trade practice.** The failure of an independent repair facility to comply with
14 the requirements of subsection 1 constitutes an unfair trade practice under the Maine Unfair
15 Trade Practices Act, except that there is no private right of action under Title 5, section
16 213.

17 **3. Rules.** The Attorney General may adopt rules to carry out the purposes of this
18 section. Rules adopted pursuant to this subsection are routine technical rules as defined in
19 Title 5, chapter 375, subchapter 2-A.'

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

SUMMARY

23 This amendment, which is the majority report of the committee, replaces the bill and
24 establishes disclosure requirements to consumers by independent repair facilities. Failure
25 to make these disclosures is an unfair trade practice.

26 **FISCAL NOTE REQUIRED**
27 **(See attached)**

COMMITTEE AMENDMENT