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Date: (Filing No. S- )

**HOUSING AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
SENATE  
132ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 899, L.D. 2211, “An Act Implementing the Recommendations of the Automotive Right to Repair Working Group”

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

**'An Act to Amend the Laws Governing the Automotive Right to Repair'**

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

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

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

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

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

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

**1-A. Definition; motor vehicle.** For the purposes of this section, "motor vehicle" means a self-propelled vehicle that has a seating capacity of not more than 15 persons.

**COMMITTEE AMENDMENT**

1 including the operator, and is not operated exclusively on railroad tracks. "Motor vehicle"  
2 does not include:

3 A. A vehicle used primarily for commercial purposes;

4 B. A motorcycle;

5 C. A snowmobile as defined in Title 12, section 13001, subsection 25;

6 D. An all-terrain vehicle as defined in Title 12, section 13001, subsection 3; or

7 E. A motorized wheelchair, an electric personal assistive mobility device or an electric  
8 bicycle.

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

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

11 **2-A. Contract for oversight of motor vehicle right to repair.** By December 1, 2026,  
12 the Office of the Attorney General shall enter into a written contract with a not-for-profit  
13 organization established to facilitate the identification and correction of gaps in the  
14 availability and accessibility of automotive service information, service training, diagnostic  
15 tools and equipment and communications to consult on the oversight of the implementation  
16 and enforcement of the provisions of this section. The contract must set forth all the duties  
17 of the consultation agreement, which must include, but are not limited to, consultation  
18 regarding:

19 (1) Monitoring and assessing the implementation of and compliance with the  
20 requirements of this section by motor vehicle manufacturers;

21 (2) Assisting with informally resolving any complaints from motor vehicle owners  
22 and independent repair facilities alleging manufacturer noncompliance with the  
23 requirements of this section; and

24 (3) Developing recommendations for best practices for manufacturers in providing  
25 access to motor vehicle data and soliciting input from stakeholders and other  
26 interested parties regarding privacy issues associated with the disclosure of motor  
27 vehicle data.

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

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

37 A. Provide diagnostic repair information to each aftermarket scan tool company and  
38 each 3rd-party service information provider with whom the manufacturer has  
39 appropriate licensing, contractual or confidentiality agreements for the sole purpose of  
40 building aftermarket diagnostic tools and 3rd-party service information publications  
41 and systems. Once a manufacturer makes information available pursuant to this  
42 paragraph, the manufacturer is considered to have satisfied its obligations under this

1 paragraph and thereafter is not responsible for the content and functionality of  
2 aftermarket diagnostic tools or service information systems;

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

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

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

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

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

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

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

28 A. A nonproprietary vehicle interface device that complies with SAE International  
29 standard J2534, SAE International standard J1939, commonly referred to as SAE  
30 J2534 and SAE J1939, the International Organization for Standardization standard  
31 22900, commonly referred to as ISO 22900, or any successor to SAE J2534, SAE  
32 J1939 or ISO 22900 as may be accepted or published by SAE International or the  
33 International Organization for Standardization, as appropriate;

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

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

40 Each manufacturer shall provide access to the same on-board diagnostic and repair  
41 information available to their dealers, including technical updates to such on-board  
42 systems, through such nonproprietary interfaces as referenced in this subsection. All parts,  
43 tools, software and other components necessary to complete a full repair of a vehicle, as

1 referenced in this subsection, must be included and provided to motor vehicle owners and  
2 authorized independent repair shops.

3 **Sec. 9. 29-A MRSA §1810, sub-§6**, as enacted by IB 2023, c. 3, §3, is amended to  
4 read:

5 **6. Required equipment.** Not later than ~~one year from the effective date of this section~~  
6 January 5, 2027, a manufacturer of motor vehicles sold in this State, ~~including commercial~~  
7 ~~motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than~~  
8 ~~14,000 pounds~~, that uses a telematics system is required to equip vehicles sold in this State  
9 with an inter-operable, standardized and owner-authorized access platform across all of the  
10 manufacturer's makes and models. The platform must be capable of securely  
11 communicating all mechanical data emanating directly from the motor vehicle via direct  
12 data connection to the platform. The platform must be directly accessible by the motor  
13 vehicle owner through a mobile-based application and, upon the authorization of the owner,  
14 all mechanical data must be directly accessible by an independent repair facility or a  
15 licensed dealer ~~as described in section 851, subsections 2 and 9~~, limited to the time to  
16 complete the repair or for a period of time agreed to by the motor vehicle owner for the  
17 purposes of maintaining, diagnosing and repairing the motor vehicle. Access must include  
18 the ability to send commands to in-vehicle components if needed for purposes of  
19 maintenance, diagnostics and repair. All parts, tools, software and other components  
20 necessary to complete a full repair of the vehicle, as referenced in this subsection, must be  
21 included and provided to motor vehicle owners and authorized independent repair shops.

22 **Sec. 10. 29-A MRSA §1810, sub-§8**, as enacted by IB 2023, c. 3, §3, is repealed  
23 and the following enacted in its place:

24 **8. Enforcement; civil action.** If the Attorney General has reason to believe that a  
25 manufacturer has violated any provision of this section, the Attorney General may institute  
26 an action in the Superior Court of any county of the State to enforce the requirements of  
27 this section. The Attorney General may seek injunctive relief and a civil penalty of not  
28 more than \$10,000 for each violation of this section.

29 An owner or owner-authorized independent repair facility that has been denied access by a  
30 manufacturer to mechanical data in violation of this section may initiate a civil action  
31 seeking any remedies under law. Each denial of access to an owner or owner-authorized  
32 independent repair facility is compensable by an award of treble damages or \$10,000,  
33 whichever amount is greater.'

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

## 36 SUMMARY

37 This amendment is the minority report of the committee. The amendment replaces the  
38 bill and changes the title. It does the following.

39 1. It defines the term "independent repair facility."

40 2. It exempts certain vehicles from the definition of "motor vehicle" for the purposes  
41 of the right to repair motor vehicle laws.

