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Date: (Filing No. S-)

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STATE OF MAINE
SENATE
131ST LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT “ ” to H.P. 1227, L.D. 1911, “An Act Concerning Automotive Right to Repair”

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

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

1. Access to diagnostic systems. ~~Access Beginning December 31, 2025,~~ 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. 2. 29-A MRSA §1810, sub-§2, as enacted by IB 2023, c. 3, §3, is amended to read:

2. Independent entity. ~~The~~ By October 31, 2025, the Attorney General shall designate an independent entity not controlled by one or more motor vehicle manufacturers to establish and administer access to vehicle-generated data that is available through the on-board diagnostic system or that is transmitted by the standardized access platform authorized under this section. The independent entity must consist of one representative each from a cross section of industry trade groups including but not limited to organizations representing motor vehicle manufacturers, aftermarket parts manufacturers, aftermarket parts distributors and retailers, independent motor vehicle service providers and new car dealers. The independent entity shall manage cyber-secure access to motor vehicle-generated data, including ensuring on an ongoing basis that access to the on-board diagnostic system and standardized access platform is secure based on all applicable United States and international standards. The independent entity shall:

- A. Identify and adopt relevant standards for implementation of this section and relevant provisions for accreditation and certification of organizations and for a system for monitoring policy compliance;

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1 B. Monitor and develop policies for the evolving use and availability of data generated
2 by the operations of motor vehicles; and

3 C. Create policies for compliance with relevant laws, regulations, standards,
4 technologies and best practices related to access to motor vehicle data.

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

7 **6. Required equipment.** ~~Not later than one year from the effective date of this section~~
8 Beginning December 31, 2025, a manufacturer of motor vehicles sold in this State,
9 including commercial motor vehicles and heavy duty vehicles having a gross vehicle
10 weight rating of more than 14,000 pounds, that uses a telematics system is required to equip
11 vehicles sold in this State with an inter-operable, standardized and owner-authorized access
12 platform across all of the manufacturer's makes and models. The platform must be capable
13 of securely communicating all mechanical data emanating directly from the motor vehicle
14 via direct data connection to the platform. The platform must be directly accessible by the
15 motor vehicle owner through a mobile-based application and, upon the authorization of the
16 owner, all mechanical data must be directly accessible by an independent repair facility or
17 a licensed dealer as described in section 851, subsections 2 and 9, limited to the time to
18 complete the repair or for a period of time agreed to by the motor vehicle owner for the
19 purposes of maintaining, diagnosing and repairing the motor vehicle. Access must include
20 the ability to send commands to in-vehicle components if needed for purposes of
21 maintenance, diagnostics and repair. All parts, tools, software and other components
22 necessary to complete a full repair of the vehicle, as referenced in this subsection, must be
23 included and provided to motor vehicle owners and authorized independent repair shops.

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

26 **8. Enforcement.** If the Attorney General or the independent entity described by
27 subsection 2 has reason to believe that a manufacturer has violated any provision of this
28 section, ~~the independent entity shall notify the Attorney General. The~~ the Attorney General
29 shall promptly institute any actions or proceedings the Attorney General considers
30 appropriate. The independent entity, through the Attorney General, or the Attorney
31 General acting on the Attorney General's own initiative may apply to the Superior Court of
32 any county of the State to enforce any lawful order made or action taken by the independent
33 entity pursuant to this section.

34 A motor vehicle owner or independent repair facility authorized by an owner who has been
35 denied access to mechanical data in violation of this section may initiate a civil action
36 seeking any remedies under law. Each denial of access is compensable by an award of
37 treble damages or \$10,000, whichever amount is greater.

38 **Sec. 5. Automotive right to repair working group.** The Attorney General shall
39 convene a working group to develop recommendations for legislation to implement an
40 automotive right to repair that ensures consumers have access to a competitive marketplace
41 of repair options when seeking vehicle service, which must include access to all diagnostic
42 and repair data, including telematics data, necessary to diagnose and complete a proper
43 repair.

1 1. The Attorney General or the Attorney General's designee shall participate in the
2 working group and shall invite the participation in the working group of the following
3 additional members:

- 4 A. The Secretary of State or the Secretary of State's designee;
- 5 B. Two members representing motor vehicle manufacturers, at least one of whom
6 represents an organization of motor vehicle manufacturers;
- 7 C. Two members representing aftermarket parts manufacturers, distributors or
8 retailers, at least one of whom represents an organization dedicated solely to
9 representing aftermarket parts manufacturers, distributors or retailers;
- 10 D. Two members representing collision repair facilities, at least one of whom
11 represents a national organization dedicated solely to representing the interests of
12 collision repairers;
- 13 E. Three members representing independent repair facilities, 2 of whom operate or are
14 employed by a mechanical repair facility located in the State and one of whom
15 represents a national organization dedicated to representing independent repairers;
- 16 F. One member representing new motor vehicle dealers;
- 17 G. One member representing a consumer advocacy organization; and
- 18 H. One member representing a data privacy advocacy organization.

19 Members of the working group serve without compensation. The Office of the Attorney
20 General shall provide necessary staffing services to the working group.

21 2. The working group shall develop recommendations for legislation implementing an
22 automotive right to repair that ensures a consumer and independent repairer have access to
23 all data, including telematics data, necessary to effectuate a repair and for amending the
24 requirements of the Maine Revised Statutes, Title 29-A, section 1810. In developing
25 recommendations, the working group shall:

- 26 A. Examine the vehicle repair marketplace to ensure a wide range of repair options
27 when seeking vehicle service, which must include access to all diagnostic and repair
28 data, including telematics data, necessary to diagnose and complete a proper repair;
- 29 B. Examine best practices for vehicle cybersecurity, including through review of
30 federal guidance or regulations from the United States Department of Transportation,
31 National Highway Traffic Safety Administration;
- 32 C. Examine the role of data privacy laws, including any laws enacted during the 131st
33 Legislature, in protecting consumer data, including vehicle data;
- 34 D. Examine consumer protection enforcement mechanisms to ensure vehicle
35 manufacturer compliance with automotive right to repair access; and
- 36 E. Examine any relevant judicial action on vehicle repair and vehicle data, including
37 the final disposition of *Alliance for Automotive Innovation v. Andrea Joy Campbell*, if
38 issued.

39 3. On or before February 14, 2025, the Attorney General shall submit to the joint
40 standing committee of the Legislature having jurisdiction over innovation, development,
41 economic advancement and business matters a report containing the findings and
42 recommendations of the working group under this section. After reviewing the report, the
43 committee may report out legislation relating to the report to the 132nd Legislature in 2025.'

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

3 **SUMMARY**

4 This amendment strikes and replaces the bill. The amendment delays certain
5 provisions of the automotive right to repair laws. It also directs the Attorney General to
6 convene a working group to develop recommendations for legislation to implement an
7 automotive right to repair that ensures consumers and independent repairers have access to
8 all necessary data. The working group must also develop recommendations for amending
9 the current automotive right to repair laws.

10 **SPONSORED BY:** _____

11 **(Senator CURRY, C.)**

12 **COUNTY: Waldo**