

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-SIX

S.P. 899 - L.D. 2211

**An Act Implementing the Recommendations of the Automotive Right to Repair Working Group**

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

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

**5-B.**

<u>Commerce and Trade</u>	<u>Motor Vehicle Right to Repair Commission</u>	<u>Not Authorized</u>	<u>29-A MRSA §1810, sub-§2-A</u>
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**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 motor vehicle owners and independent repair facilities and the access may not require authorization by the motor vehicle 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.** For the purposes of this section, unless the context otherwise indicates, "owner-authorized independent repair facility" means an independent repair facility that has been authorized by a motor vehicle owner to receive or access diagnostic and repair information or other mechanical data pertaining to or emanating from the owner's motor vehicle for the purpose of diagnosing or repairing the motor vehicle.

**Sec. 4. 29-A MRSA §1810, sub-§2**, as enacted by IB 2023, c. 3, §3, is repealed.

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

**2-A. Motor Vehicle Right to Repair Commission.** This subsection governs the composition, activities and duties of the Motor Vehicle Right to Repair Commission, as

established in Title 5, section 12004-G, subsection 5-B and referred to in this section as "the commission."

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

- (1) Three members representing motor vehicle manufacturers, at least one of whom must represent an organization of motor vehicle manufacturers and at least one of whom must represent a manufacturer of heavy duty vehicles;
- (2) One member representing aftermarket parts manufacturers;
- (3) One member representing diagnostic tool manufacturers;
- (4) One member representing aftermarket parts distributors and retailers;
- (5) Three members representing independent repair facilities in the State, at least one of whom must be an owner or operator of an independent repair facility specializing in motor vehicle repair and at least one of whom must be an owner or operator of an independent repair facility specializing in heavy duty vehicle repair;
- (6) One member representing new motor vehicle dealers in the State;
- (7) One member with expertise in automotive cybersecurity matters; and
- (8) One member representing the public, who must be a resident of the State and who serves as the chair of the commission.

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

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

C. The commission:

- (1) Shall monitor and assess implementation of and motor vehicle manufacturers' compliance with the requirements of this section;
- (2) Shall attempt to informally resolve any complaints from motor vehicle owners and independent repair facilities alleging motor vehicle manufacturer noncompliance with the requirements of this section, and, if a complaint cannot be resolved informally, consider whether to refer the matter to the Attorney General for potential enforcement action;
- (3) Shall designate one or more technical experts with whom the Attorney General may consult in assessing enforcement referrals under subparagraph (2) and maintaining enforcement actions under subsection 8; and
- (4) May issue recommendations for best practices for motor vehicle manufacturers to use in providing access to motor vehicle data and may solicit input from stakeholders and other interested parties regarding privacy issues associated with the disclosure of motor vehicle-generated data.

D. By January 15, 2028, and annually thereafter, the commission shall submit to the Governor, the Attorney General and the joint standing committee of the Legislature having jurisdiction over business matters a report that:

- (1) Describes the commission's activities during the preceding year;
- (2) Describes any implementation or compliance issues that the commission has identified during the preceding year; and
- (3) Includes any recommendations for proposed changes to this section to address any implementation or compliance issues, including any recommendations that propose providing the commission with additional authority.

After reviewing the report, the joint standing committee may report out legislation relating to the report to any regular or special session held in the same year in which the report was received pursuant to this paragraph.

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

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

A. Provide diagnostic repair information to each aftermarket scan tool company and each 3rd-party service information provider with whom the motor vehicle manufacturer has appropriate licensing, contractual or confidentiality agreements for the sole purpose of building aftermarket diagnostic tools and 3rd-party service information publications and systems. ~~One a~~ A motor vehicle manufacturer that makes information available pursuant to this paragraph, ~~the manufacturer is considered to have~~ has satisfied its obligations under this paragraph and thereafter is not responsible for the content and functionality of aftermarket diagnostic tools or service information systems;

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

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

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

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

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

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

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

- A. A nonproprietary vehicle interface device that complies with SAE International standard J2534, SAE International standard J1939, commonly referred to as SAE J2534 and SAE J1939, the International Organization for Standardization standard 22900, commonly referred to as ISO 22900, or any successor to SAE J2534, SAE J1939 or ISO 22900 as may be accepted or published by SAE International or the International Organization for Standardization, as appropriate;
- B. An on-board diagnostic and repair information system integrated into and entirely self-contained within the vehicle, including, but not limited to, service information systems integrated into an on-board display; ~~and or~~
- C. A system that provides direct access to on-board diagnostic and repair information through a nonproprietary vehicle interface, such as ethernet, universal serial bus or digital versatile disc.

Each motor vehicle manufacturer shall provide access to the same on-board diagnostic and repair information available to ~~their~~ the motor vehicle manufacturer's dealers, including technical updates to such on-board systems, through such nonproprietary interfaces as referenced in this subsection. All parts, tools, software and other components necessary to complete a full repair of a vehicle, as referenced in this subsection, must be ~~included and~~ provided to motor vehicle owners and ~~authorized~~ owner-authorized independent repair ~~shops~~ facilities.

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

**6. Required equipment Owner-authorization access platform.** Not later than ~~one year from the effective date of this section~~ September 1, 2027, a manufacturer of motor vehicles sold in this State, ~~including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds,~~ that uses a telematics

system is required to equip vehicles sold in this State with an inter-operable, and standardized and owner-authorized owner-authorization access platform across all of the motor vehicle manufacturer's makes and models. The platform must be capable of securely communicating all mechanical data emanating directly from the motor vehicle via direct data connection to the platform. The platform must be directly accessible by the motor vehicle owner through a mobile-based application and, upon the authorization of the owner, all mechanical data must be directly accessible by an independent repair facility or a licensed dealer as described in section 851, subsections 2 and 9, limited to the time to complete the repair or for a period of time agreed to by the motor vehicle owner for the purposes of maintaining, diagnosing and repairing the motor vehicle. Access must include the ability to receive data and send commands to in-vehicle components if needed for purposes of maintenance, diagnostics and repair. The platform must provide a motor vehicle owner or owner-authorized independent repair facility access to the same data the motor vehicle manufacturer makes available to its authorized repair shops. All parts, tools, software and other components necessary to complete a full repair of the vehicle, as referenced in this subsection, must be ~~included and~~ provided to a motor vehicle owners owner and authorized independent repair shops facility authorized by a motor vehicle owner.

**Sec. 10. 29-A MRSA §1810, sub-§8,** as enacted by IB 2023, c. 3, §3, is amended to read:

**8. Enforcement.** If the ~~independent entity described by subsection 2~~ commission has reason to believe that a motor vehicle manufacturer has violated any provision of this section, the ~~independent entity~~ commission shall notify the Attorney General. ~~The In~~ In response to a referral from the commission pursuant to subsection 2-A, paragraph C, subparagraph (2), or in any other instance for which the Attorney General believes this section may have been violated, the Attorney General ~~shall promptly~~ may institute any actions or proceedings the Attorney General considers appropriate. ~~The independent entity, through the Attorney General, may apply to an action in the Superior Court of any county of the State to enforce any lawful order made or action taken by the independent entity pursuant to this section. The Attorney General may seek injunctive relief and a civil penalty of not more than \$10,000 for each violation of this section.~~

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

**Sec. 11. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 29-A, section 1810, subsection 2-A, paragraph B, of the members initially appointed to the Motor Vehicle Right to Repair Commission, 4 members must be appointed to an initial term of one year, 4 members must be appointed to an initial term of 2 years and 4 members must be appointed to an initial term of 3 years.