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No. 788

H.P. 539

House of Representatives, February 28, 2013

**An Act To Provide Vehicle Owners and Repair Facilities Access to
Vehicle Diagnostic and Repair Information and Equipment**

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative AYOTTE of Caswell.
Cosponsored by Senator JACKSON of Aroostook and
Representatives: CRAY of Palmyra, DAVIS of Sangerville, DOAK of Columbia Falls,
JOHNSON of Greenville, LONG of Sherman, NADEAU of Fort Kent, Senators: THOMAS of
Somerset, YOUNGBLOOD of Penobscot.

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

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

3 **§1810. Motor vehicle diagnostic and repair information and equipment**

4 **1. Motor vehicle diagnostic and repair information.** A motor vehicle
5 manufacturer, as defined in Title 10, section 1171, subsection 10, shall make available to
6 an owner of a motor vehicle manufactured by the manufacturer or an independent repair
7 facility in the State diagnostic and repair information, including technical updates, for
8 motor vehicles manufactured by the manufacturer. The diagnostic and repair information
9 must be in electronic form and include the same content, be in the same form and be
10 accessible in the same manner as is the information the manufacturer provides to the
11 manufacturer's dealers and authorized repair facilities. The manufacturer shall make the
12 diagnostic and repair information available to an owner of a motor vehicle manufactured
13 by the manufacturer or an independent repair facility on an hourly, daily, monthly and
14 yearly subscription basis, for not more than fair market value and on terms that do not
15 unfairly favor the manufacturer's dealers or authorized repair facilities.

16 **2. Motor vehicle diagnostic and repair equipment.** A motor vehicle manufacturer,
17 as defined in Title 10, section 1171, subsection 10, shall make available to an owner of a
18 motor vehicle manufactured by the manufacturer or an independent repair facility in the
19 State diagnostic and repair equipment for motor vehicles manufactured by the
20 manufacturer, incorporating the same diagnostic, repair and wireless capabilities as
21 equipment the manufacturer provides to the manufacturer's dealers or authorized repair
22 facilities. The manufacturer shall make the equipment available to an owner of a motor
23 vehicle manufactured by the manufacturer or an independent repair facility for no more
24 than fair market value and on terms that do not unfairly favor the manufacturer's dealers
25 or authorized repair facilities.

26 **3. Nonproprietary access to on-board diagnostic and repair information.**
27 Commencing with model year 2015, a motor vehicle manufacturer, as defined in Title 10,
28 section 1171, subsection 10, shall provide access to diagnostic and repair information
29 pursuant to subsection 1 for motor vehicles manufactured by the manufacturer through a
30 nonproprietary vehicle interface as required by the United States Environmental
31 Protection Agency pursuant to 40 Code of Federal Regulations, Section 86.1808-01(f)
32 (2005) or successor federal requirement. A motor vehicle manufacturer's vehicle
33 interface must provide the same diagnostic and repair information, including technical
34 updates, that the manufacturer makes available to the manufacturer's dealers or
35 authorized repair facilities. The diagnostic and repair information must be in electronic
36 form and include the same content, be in the same form and be accessible in the same
37 manner as is the information the manufacturer provides to the manufacturer's dealers or
38 authorized repair facilities.

39 **4. Exceptions.** The provisions of this section do not apply to:

40 **A. A trade secret or proprietary information;**

1 B. Information or equipment protected by an agreement made by a motor vehicle
2 manufacturer, as defined in Title 10, section 1171, subsection 10, that is in effect
3 upon the effective date of this section; or

4 C. Information necessary to reset a vehicle antitheft device that prevents a vehicle
5 from being operated without a correct key code unless the information can be made
6 available on a secure data transmission system.

7 **5. Agreement prohibiting availability of information or equipment.** On or after
8 the effective date of this section, a motor vehicle manufacturer, as defined in Title 10,
9 section 1171, subsection 10, may not enter into an agreement that prohibits, waives or
10 limits the manufacturer's compliance with this section.

11 **6. Violation.** A violation of this section is an unfair trade practice under Title 5,
12 chapter 10.

13 **SUMMARY**

14 This bill requires motor vehicle manufacturers to make available to owners of the
15 manufacturer's motor vehicles and independent motor vehicle repair facilities diagnostic
16 and repair information and equipment at no more than fair market value and in a way that
17 does not unfairly favor the manufacturer's dealers and authorized repair facilities.