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HOUSING AND ECONOMIC DEVELOPMENT

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 916, L.D. 1394, “An Act to Support Maine's Electric Vehicle Adoption Goals by Providing an Exclusion for Electric Vehicles from Certain Requirements of the Right to Repair Law”

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

'An Act to Clarify Certain Terms in the Automotive Right to Repair Laws'

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

'Sec. 1. 29-A MRSA §1801, as amended by IB 2023, c. 3, §§1 and 2, is further amended to read:

§1801. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Customer. "Customer" means a person, including, but not limited to, an agent, who contracts with a repair facility for repair of a motor vehicle.

1-A. Diagnostic and repair information. "Diagnostic and repair information" means the electronic messages transmitted between a diagnostic scan tool and an electronic control unit on board a motor vehicle for the purpose of performing diagnosis, tests and repairs of the vehicle.

1-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.

1 **2. Flat rate.** "Flat rate" means a method of calculating charges for labor that is based
2 on the specific repair done and not on the amount of time actually spent on that repair.

3 **2-A. Mechanical data.** "Mechanical data" means any vehicle-specific data, including
4 telematics system data, generated by, stored in or transmitted by a motor vehicle and used
5 in the diagnosis, repair or maintenance of a motor vehicle.

6 **2-B. Mobile-based application.** "Mobile-based application" means software
7 designed for mobile devices that facilitates access to motor vehicle telematics system or
8 diagnostic and repair information.

9 **2-C. Owner-authorized.** "Owner-authorized" means that an owner has provided
10 explicit consent for accessing or sharing motor vehicle data for a specified amount of time
11 and scope of access in compliance with applicable laws governing privacy and data sharing,
12 including but not limited to the federal Driver's Privacy Protection Act of 1994, 18 United
13 States Code, Sections 2721 to 2725 (2000).

14 **2-D. Platform, access platform and standardized access platform.** "Platform,"
15 "access platform" and "standardized access platform" mean technology to facilitate the
16 delivery of motor vehicle data.

17 **2-E. Reliable and accepted systems.** "Reliable and accepted systems" means systems
18 that have been validated under regulatory standards, tested for reliability and safety and
19 standardized for use in diagnostics and vehicle repairs.

20 **3. Repair.** "Repair" means the examination, maintenance, servicing, adjustment,
21 improvement, replacement, removal or installation of a part of a motor vehicle, including,
22 but not limited to, body work, painting and incidental services such as storage and towing,
23 and excluding the sale of motor fuel.

24 **4. Repair facility.** "Repair facility" means a motor vehicle repair facility offering
25 services to the general public for compensation.

26 **4-A. Securely communicating.** "Securely communicating" means communicating
27 data using encryption or secure data transmission protocols to protect owner privacy and
28 prevent unauthorized access to data.

29 **4-B. Service information.** "Service information" means diagnosis, service and repair
30 information and procedures, technical service bulletins, troubleshooting guides, wiring
31 diagrams and training materials useful for self-study outside a manufacturer's training
32 classroom.

33 **5. Shop supplies.** "Shop supplies" means small parts and materials used or consumed
34 in the process of repair, including, but not limited to, nuts and bolts, electrical wire, rags,
35 tape, brake cleaners and other items maintained as inventory.

36 **6. Telematics system.** "Telematics system" means a system in a motor vehicle that
37 collects information generated by the operation of the vehicle and transmits that
38 information using wireless communications to a remote receiving point where the
39 information is stored or used. "Telematics system" includes, but is not limited to, any of
40 the following services:

41 A. Automatic airbag deployment and crash notification;

42 B. Remote diagnostics;

1 C. Navigation;

2 D. Vehicle location;

3 E. Remote door unlock;

4 F. Transmitting emergency and vehicle location information to public safety
5 answering points; and

6 G. Any other service integrating vehicle location technology, wireless
7 communications or convenience features in a vehicle.

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

9 **1-A. Definitions.** As used in this section, unless the context otherwise indicates, the
10 following terms have the following meanings.

11 A. "Dealer" means a person engaged in the business of buying, selling, exchanging or
12 offering to negotiate, negotiating or advertising the sale of a motor vehicle under a
13 franchise agreement with a manufacturer and that:

14 (1) Has an established place of business for those purposes in this State;

15 (2) Has a current dealer license issued by the Secretary of State; and

16 (3) Is engaged in the diagnosis, service, maintenance or repair of motor vehicles
17 or motor vehicle engines under the terms of the franchise agreement.

18 B. "Manufacturer" means a person engaged in the business of manufacturing or
19 assembling new motor vehicles that are sold in this State.

20 C. "Motor vehicle" means a self-propelled vehicle designed primarily for on-road use
21 that has a seating capacity of not more than 15 persons, including the operator, and is
22 not operated exclusively on railroad tracks. "Motor vehicle" does not include:

23 (1) A vehicle used primarily for commercial purposes;

24 (2) A motorcycle;

25 (3) A snowmobile as defined in Title 12, section 13001, subsection 25;

26 (4) An all-terrain vehicle as defined in Title 12, section 13001, subsection 3; or

27 (5) A motorized wheelchair, an electric personal assistive mobility device or an
28 electric bicycle.

29 D. "Owner" means a person or business that owns or leases a motor vehicle registered
30 in this State.'

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

33 SUMMARY

34 This amendment, which is the minority report of the committee, replaces the bill and
35 changes the title. The amendment makes additions and clarifying changes to the definitions
36 applicable to the automotive right to repair laws.