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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. 803, L.D. 1228, “An Act to Clarify Certain Terms in the Automotive Right to Repair Laws”

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

'An Act to Implement the Recommendations of the Automotive Right to Repair Working Group'

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

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

5-B.

| | | | |
|------------------|--------------------------------------|-----------------------|------------------------|
| <u>Commerce</u> | <u>Motor Vehicle Right to Repair</u> | <u>Not Authorized</u> | <u>29-A MRSA</u> |
| <u>and Trade</u> | <u>Commission</u> | | <u>§1810, sub-§2-A</u> |

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Sec. 3. 29-A MRSA §1810, sub-§2, as enacted by IB 2023, c. 3, §3, is repealed.

Sec. 4. 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."

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

2 (1) Three members representing motor vehicle manufacturers, at least one of whom
3 must represent an organization of motor vehicle manufacturers and at least one of
4 whom must represent a manufacturer of heavy duty vehicles;

5 (2) One member representing aftermarket parts manufacturers;

6 (3) One member representing diagnostic tool manufacturers;

7 (4) One member representing aftermarket parts distributors and retailers;

8 (5) Three members representing independent repair facilities in the State, at least
9 one of whom must be an owner or operator of an independent repair facility
10 specializing in automobile repair and at least one of whom must be an owner or
11 operator of an independent repair facility specializing in heavy duty vehicle repair;

12 (6) One member representing new motor vehicle dealers in the State;

13 (7) One member with expertise in automotive cybersecurity matters; and

14 (8) One member representing the public, who must be a resident of the State and
15 who serves as the chair of the commission.

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

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

23 C. The commission:

24 (1) Shall monitor and assess implementation of and motor vehicle manufacturers'
25 compliance with the requirements of this section;

26 (2) Shall attempt to informally resolve any complaints from owners and
27 independent repair facilities alleging manufacturer noncompliance with the
28 requirements of this section, and, if a complaint cannot be resolved informally,
29 consider whether to refer the matter to the Attorney General for potential
30 enforcement action;

31 (3) Shall designate one or more technical experts with whom the Attorney General
32 may consult in assessing enforcement referrals and maintaining enforcement
33 actions; and

34 (4) May issue recommendations for best practices for manufacturer use in
35 providing access to motor vehicle data and may solicit input from stakeholders and
36 other interested parties regarding privacy issues associated with the disclosure of
37 motor vehicle data.

38 D. By January 15, 2026, and annually thereafter, the commission shall submit to the
39 Governor, the Attorney General and the joint standing committee of the Legislature
40 having jurisdiction over business matters a report outlining the commission's activities
41 during the preceding year, describing any implementation or compliance issues relating

1 to this section that the commission identified and recommending any changes to this
2 section to address implementation, compliance or other identified issues. After
3 reviewing the report, the joint standing committee may report out legislation relating
4 to the report.

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

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

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

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

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

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

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

35 **4. Model year 2002-2017 motor vehicles; access to on-board diagnostic and repair**
36 **information system.** For model year 2002-2017 motor vehicles, including commercial
37 motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than
38 14,000 pounds, a manufacturer shall provide access to a vehicle's on-board diagnostic and
39 repair information system ~~must be the same for~~ to an owner or an owner-authorized
40 independent repair facility ~~to the same extent~~ as that ~~access is~~ provided to a new vehicle
41 dealer.

42 **Sec. 7. 29-A MRSA §1810, sub-§5**, as enacted by IB 2023, c. 3, §3, is amended to
43 read:

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

8 A. A nonproprietary vehicle interface device that complies with SAE International
9 standard J2534, SAE International standard J1939, commonly referred to as SAE
10 J2534 and SAE J1939, the International Organization for Standardization standard
11 22900, commonly referred to as ISO 22900, or any successor to SAE J2534, SAE
12 J1939 or ISO 22900 as may be accepted or published by SAE International or the
13 International Organization for Standardization, as appropriate;

14 B. An on-board diagnostic and repair information system integrated into and entirely
15 self-contained within the vehicle, including, but not limited to, service information
16 systems integrated into an on-board display; ~~and~~ or

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

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

26 **Sec. 8. 29-A MRSA §1810, sub-§6,** as enacted by IB 2023, c. 3, §3, is repealed.

27 **Sec. 9. 29-A MRSA §1810, sub-§6-A** is enacted to read:

28 **6-A. Telematics system; diagnostic and repair function.** Not later than 24 months
29 after the effective date of this subsection, a manufacturer that enables its dealers or
30 designated motor vehicle repair facilities in the State to perform a diagnostic and repair
31 function on the manufacturer's motor vehicles sold in the State that use a telematics system
32 shall make available, on fair and reasonable terms, to an owner of the manufacturer's motor
33 vehicle that uses a telematics system or to an owner-authorized independent repair facility
34 of the owner's choosing the means to perform the diagnostic and repair function on the
35 motor vehicle in a manner commensurate to that offered by the manufacturer to its dealers
36 and designated motor vehicle repair facilities in the State, which must include the capability
37 to remotely perform the diagnostic and repair function if the manufacturer enables its
38 dealers and designated motor vehicle repair facilities in the State to remotely perform that
39 function.'

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

SUMMARY

This amendment, which is the minority report of the committee, changes the title of and replaces the bill. The amendment incorporates the statutory recommendations proposed by the automotive right to repair working group established pursuant to Resolve 2023, chapter 171 by repealing the provisions of the automotive right to repair law that established an independent entity and instead establishing the Motor Vehicle Right to Repair Commission, which is charged with, among other things, monitoring and assessing implementation of and manufacturers' compliance with the requirements of that law. The amendment also makes other clarifying changes to the automotive right to repair law, including changes regarding the required equipment under that law, access to diagnostic and repair functions and enforcement of the law.

FISCAL NOTE REQUIRED

(See attached)