

131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

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An Act Regarding Automotive Right to Repair

Transmitted to the Clerk of the 131st Maine Legislature by the Secretary of State on April 13, 2023 and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

1 Be it enacted by the People of the State of Maine as follows: Sec. 1. 29-A MRSA §1801, sub-§2-A is enacted to read: 2 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 Sec. 2. 29-A MRSA §1801, sub-§6 is enacted to read: 7 6. Telematics system. "Telematics system" means a system in a motor vehicle that 8 collects information generated by the operation of the vehicle and transmits that 9 information using wireless communications to a remote receiving point where the 10 information is stored or used. 11 Sec. 3. 29-A MRSA §1810 is enacted to read: 12 §1810. Right to repair 13 1. Access to diagnostic systems. Access to the vehicle on-board diagnostic systems 14 of all motor vehicles, including commercial motor vehicles and heavy duty vehicles having 15 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 16 authorization by the manufacturer, directly or indirectly, unless that authorization is 17 18 standardized across all makes and models of motor vehicles sold in this State and is 19 administered by the independent entity described in subsection 2. 20 2. Independent entity. The Attorney General shall designate an independent entity 21 not controlled by one or more motor vehicle manufacturers to establish and administer 22 access to vehicle-generated data that is available through the on-board diagnostic system 23 or that is transmitted by the standardized access platform authorized under this section. The 24 independent entity must consist of one representative each from a cross section of industry 25 trade groups including but not limited to organizations representing motor vehicle 26 manufacturers, aftermarket parts manufacturers, aftermarket parts distributors and retailers, 27 independent motor vehicle service providers and new car dealers. The independent entity 28 shall manage cyber-secure access to motor vehicle-generated data, including ensuring on 29 an ongoing basis that access to the on-board diagnostic system and standardized access 30 platform is secure based on all applicable United States and international standards. The independent entity shall: 31 32 A. Identify and adopt relevant standards for implementation of this section and 33 relevant provisions for accreditation and certification of organizations and for a system 34 for monitoring policy compliance; 35 B. Monitor and develop policies for the evolving use and availability of data generated 36 by the operations of motor vehicles; and 37 Create policies for compliance with relevant laws, regulations, standards, C. 38 technologies and best practices related to access to motor vehicle data. 39 3. Model year 2002 motor vehicles. For model year 2002 motor vehicles, including 40 commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating 41 of more than 14,000 pounds, each manufacturer of motor vehicles sold in this State shall make available for purchase under fair and reasonable terms by owners and independent 42

1 2 3	repair facilities all diagnostic repair tools, parts, software and components incorporating the same diagnostic, functional repair and wireless capabilities that the manufacturer makes available to its authorized repair shops. Each manufacturer shall:
4	A. Provide diagnostic repair information to each aftermarket scan tool company and
5	each 3rd-party service information provider with whom the manufacturer has
6 7	appropriate licensing, contractual or confidentiality agreements for the sole purpose of
8	building aftermarket diagnostic tools and 3rd-party service information publications and systems. Once a manufacturer makes information available pursuant to this
9	paragraph, the manufacturer is considered to have satisfied its obligations under this
10	paragraph and thereafter is not responsible for the content and functionality of
11	aftermarket diagnostic tools or service information systems;
12	B. Make available for purchase by owners of motor vehicles and by independent repair
13	facilities the same diagnostic and repair information, including repair technical
14	updates, that the manufacturer makes available to its authorized repair shops through
15	the manufacturer's Internet-based diagnostic and repair information system; and
16	C. Provide access to the manufacturer's diagnostic and repair information system for
17	purchase by owners of motor vehicles and independent repair facilities on a daily,
18	monthly and yearly subscription basis and upon fair and reasonable terms.
19 20	All parts, tools, software and other components necessary to complete a full repair of the
20 21	vehicle, as referenced in this subsection, must be included and provided to owners of motor vehicles and authorized independent repair shops.
22 23	<u>4. Model year 2002-2017 motor vehicles.</u> For model year 2002-2017 motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle
23 24	weight rating of more than 14,000 pounds, access to a vehicle's on-board diagnostic and
25	
	repair information system must be the same for an owner or an independent repair facility
26	repair information system must be the same for an owner or an independent repair facility as that provided to a new vehicle dealer.
26 27	· · ·
27 28	 as that provided to a new vehicle dealer. 5. Model year 2018 and later motor vehicles. For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross
27 28 29	 as that provided to a new vehicle dealer. 5. Model year 2018 and later motor vehicles. For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, access to the on-board diagnostic and
27 28 29 30	as that provided to a new vehicle dealer. 5. Model year 2018 and later motor vehicles. For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, access to the on-board diagnostic and repair information system must be available through use of an off-the-shelf personal
27 28 29 30 31	 as that provided to a new vehicle dealer. 5. Model year 2018 and later motor vehicles. For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, 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
27 28 29 30 31 32	 as that provided to a new vehicle dealer. 5. Model year 2018 and later motor vehicles. For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, 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 vehicle manufacturer and:
27 28 29 30 31 32 33	 as that provided to a new vehicle dealer. 5. Model year 2018 and later motor vehicles. For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, 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 vehicle manufacturer and: A. A nonproprietary vehicle interface device that complies with SAE International
27 28 29 30 31 32 33 34	 as that provided to a new vehicle dealer. 5. Model year 2018 and later motor vehicles. For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, 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 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
27 28 29 30 31 32 33	 as that provided to a new vehicle dealer. 5. Model year 2018 and later motor vehicles. For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, 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 vehicle manufacturer and: A. A nonproprietary vehicle interface device that complies with SAE International
27 28 29 30 31 32 33 34 35 36 37	 as that provided to a new vehicle dealer. 5. Model year 2018 and later motor vehicles. For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, 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 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
27 28 29 30 31 32 33 34 35 36	 as that provided to a new vehicle dealer. 5. Model year 2018 and later motor vehicles. For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, 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 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
27 28 29 30 31 32 33 34 35 36 37 38 39	 as that provided to a new vehicle dealer. 5. Model year 2018 and later motor vehicles. For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, 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 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
27 28 29 30 31 32 33 34 35 36 37 38 39 40	 <u>as that provided to a new vehicle dealer.</u> <u>5. Model year 2018 and later motor vehicles.</u> For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, 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 vehicle manufacturer and: <u>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 and entirely self-contained within the vehicle, including, but not limited to, service information</u>
27 28 29 30 31 32 33 34 35 36 37 38 39 40 41	 as that provided to a new vehicle dealer. 5. Model year 2018 and later motor vehicles. For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, 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 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
27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42	 as that provided to a new vehicle dealer. 5. Model year 2018 and later motor vehicles. For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, 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 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 International 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 C. A system that provides direct access to on-board diagnostic and repair information
27 28 29 30 31 32 33 34 35 36 37 38 39 40 41	 as that provided to a new vehicle dealer. 5. Model year 2018 and later motor vehicles. For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, 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 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

Each manufacturer shall provide access to the same on-board diagnostic and repair information available to their 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 independent repair shops.

7 6. Required equipment. Not later than one year from the effective date of this section, 8 a manufacturer of motor vehicles sold in this State, including commercial motor vehicles 9 and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, 10 that uses a telematics system is required to equip vehicles sold in this State with an inter-11 operable, standardized and owner-authorized access platform across all of the 12 manufacturer's makes and models. The platform must be capable of securely 13 communicating all mechanical data emanating directly from the motor vehicle via direct 14 data connection to the platform. The platform must be directly accessible by the motor 15 vehicle owner through a mobile-based application and, upon the authorization of the owner, 16 all mechanical data must be directly accessible by an independent repair facility or a 17 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 7. Exclusions. Manufacturers of motor vehicles sold in the United States may exclude 25 diagnostic, service and repair information necessary to reset an immobilizer system or 26 security-related electronic modules from information provided to motor vehicle owners and 27 independent repair facilities. If excluded under this subsection, the information necessary 28 to reset an immobilizer system or security-related electronic modules must be made 29 available to motor vehicle owners and independent repair facilities through the secure data 30 release model system as used on the effective date of this section by the National 31 Automotive Service Task Force or other known, reliable and accepted systems.

8. Enforcement. If the independent entity described by subsection 2 has reason to believe that a manufacturer has violated any provision of this section, the independent entity shall notify the Attorney General. The Attorney General shall promptly institute any actions or proceedings the Attorney General considers appropriate. The independent entity, through the Attorney General, may apply to 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.

A motor vehicle owner or 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.

- 43 Sec. 4. 29-A MRSA §1811 is enacted to read:
- 44 §1811. Telematics system notice

1	1. Notice. The Attorney General shall establish for prospective motor vehicle owners
2	a motor vehicle telematics system notice that includes, but is not limited to, the following
3	features:
4	A. An explanation of telematics systems and their purposes;
5	B. A description summarizing the mechanical data collected, stored and transmitted
6	by a telematics system;
7	C. The prospective motor vehicle owner's ability to access the vehicle's mechanical
8	data through a mobile device; and
9	D. A motor vehicle owner's right to authorize an independent repair facility to access
10	the vehicle's mechanical data for vehicle diagnostics, repair and maintenance purposes.
11	2. Notice form. The notice form must provide for the prospective motor vehicle
12	owner's signature certifying that the prospective owner has read the telematics system
13	notice under subsection 1.
14	3. Provision of notice. When selling or leasing motor vehicles containing a telematics
15	system, a dealer as defined in section 851, subsection 2 and a new vehicle dealer as defined
16	in section 851, subsection 9 shall provide the telematics system notice under subsection 1
17	to the prospective owner, obtain the prospective owner's signed certification that the
18	prospective owner has read the notice and provide a copy of the signed notice to the
19	prospective owner. A dealer's failure to comply with the provisions of this subsection is
20	grounds for any action by the licensing authority relative to the dealer's license, up to and
21	including revocation.
22	SUMMARY
23	This initiated bill requires manufacturers of certain motor vehicles to standardize the
24	vehicle on-board diagnostic systems and make those systems accessible to owners and
25	independent repair facilities. It requires the Attorney General to designate an independent
26	entity to administer the accessibility of vehicle on-board diagnostic systems by adopting
27	standards and developing policies. The initiated bill requires the release of certain
28	diagnostic repair tools, parts, software and components depending on model year of the
29	motor vehicle. It also requires certain motor vehicles to be equipped with a standard access
30	platform and provides exclusions for information otherwise required to be shared with
31	owners or independent repair shops if that information is necessary for immobilizer
32	systems or security-related modules. The initiated bill provides for enforcement by civil
33	action of the provisions related to access and information sharing and provides the available
34	damages. It also requires that the Attorney General establish a notice relating to motor
35	vehicle telematics systems and requires dealers of certain motor vehicles to provide that
36	notice to potential owners of motor vehicles, and it provides for an administrative

notice to potential owners of motor vehicles, and it provides for an administrative
 consequence if a dealer does not comply.