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*Testimony of Rep. Tiffany Roberts presenting*  
**LD 442, An Act to Amend the Automotive Repair Statute**  
*Before the Joint Standing Committee on Housing and Economic Development*

Good afternoon, Senator Curry, Representative Gere and esteemed members of the Joint Standing Committee on Housing and Economic Development. I am Tiffany Roberts, and I represent House District 149, which includes parts of North and South Berwick. I am pleased to be here today to present **LD 442, An Act to Amend the Automotive Repair Statute**.

This repeal is necessary – not because we oppose consumer repair rights – but because the law, as written, is unworkable, misleading, potentially unconstitutional, and dangerously out of step with federal safety and cybersecurity regulations.

This bill is about security. It's about privacy. As lawmakers, it's about our responsibility to clean up what was pushed into our statutes through a profoundly flawed referendum campaign – one written and funded almost entirely by national corporate interests with no stake in our state's legal integrity.

Let me be clear: **I do not oppose the spirit of consumer repair rights or the role of small businesses in our economy**. I oppose an unworkable, unsafe, and misleading law that endangers consumers, conflicts with federal safety mandates, and has already exposed Maine to legal and cybersecurity liabilities. This repeal is not about removing repair rights – it is about removing a broken statute and clearing the way for real, responsible reform.

Why? Because while intentions may be good, implementation matters. And when a statute presents legal conflicts, vague mandates, or harms the public interest, it is our duty to act. Repealing this law is consistent with that precedent.

This same issue has paralyzed the enforcement of a similar Massachusetts law, whose implementation has resulted in some manufacturers disabling telematics systems altogether. That is not a success story; it is a cautionary tale.

It is also pertinent to recognize the misleading messaging and out-of-state funding. This law was marketed to voters as a simple matter of being able to "fix your own car." In reality, that right already exists. The national Memorandum of Understanding between automakers and the aftermarket repair industry has provided access to repair tools and data since 2014. Federal law also mandates access via the standard diagnostic ports (OBD-II).

This law goes beyond repair – it mandates remote, real-time telematics data access. That includes location tracking, behavioral data, and vehicle control functions. It also requires a standardized platform to be equipped on all vehicles with telematics sold in the state to deliver it – something that doesn't exist today and isn't needed for 98% of repairs, according to the Government Accountability Office (GAO).

The law we are considering repealing was never subject to committee scrutiny, stakeholder negotiation, or bipartisan drafting. It was written behind closed doors by national trade associations and ballot consultants. The Maine Right to Repair Committee, which sponsored the initiative, received over \$4.92 million in contributions, 99.997% of which came from out-of-state entities, and only \$1,290 of that \$4.92 million is from Maine residents.

The Maine Ethics Commission also fined this PAC for violating 24-hour donor disclosure laws, which are intended to give voters timely information on who is paying for last-minute ads. Yet, the ballot question still passed – largely because the campaign capitalized on a popular phrase ("right to repair") while hiding the technical complexity of the multi-paged law from public view.

After Massachusetts voters passed that initiative in 2020, its implementation was immediately tied up in federal litigation. But rather than solve those legal flaws, the same coalition – funded by LKQ Corporation, AutoZone, O'Reilly Auto Parts, Advance Auto, and others – simply copied the concept and exported it to Maine. This proves that their goal was never to improve repair access for Maine consumers. They aimed to claim a second statewide "victory" in a small state to build momentum toward federal legislation. In their own words, Maine is a legal "test market."

We don't need to be anyone's test case.

Why did they choose Maine? Low media costs, no automaker market share, and minimal legal risk. In their eyes, Maine was a "cheap date" – an easy win to build momentum for federal legislation. However, our constituents should not be guinea pigs for policy experimentation.

Let's break this down in simple terms.

Telematics is a system in your car that uses wireless signals to send information back to the manufacturer and your mobile app, if you have one. This information can include your location, how fast you're going, whether you've been in a crash, and whether your check engine light is on. It can even include emergency response features, driving patterns, and maintenance schedules.

Opponents say you need this data to fix a car. **That's not true.**

You can change brakes, rotate tires, replace sensors, and do inspections without touching the telematics. The claim that mechanics are locked out is false. Even the automakers and independent repair shops reached a national agreement in 2023 to guarantee access to necessary data, with or without telematics.

I urge you to ask those who may come behind me: What can they do now that they could not do before, aside from having legal access to your data?

Nearly all repairs use OBD-II ports, which are already accessible and regulated. According to the GAO and industry stakeholders, 98% of vehicle repairs can be performed without touching telematics.

Telematics equals personal data, not just car codes

Maine currently has no data privacy law, which is a problem on its own but worse in this context. Once a third party receives vehicle telematics data in Maine, no legal protections are in place to govern what happens next. Unlike licensed dealerships, which are regulated under the Gramm-Leach-Bliley Act, the Federal Trade Commission's (FTC) Safeguards Rule, and state franchise laws, the "independent repair facilities" referenced in this law are not defined, certified, or overseen **by any regulatory body**.

This is a privacy disaster waiting to happen.

Consumers could have their data harvested, sold, or exposed without recourse. This law has opened the door to unregulated access and exploitation in a state without a general data privacy framework.

The U.S. National Highway Traffic Safety Administration (NHTSA) has warned that an open-access telematics portal, like the one mandated in Massachusetts and mirrored in Maine, violates the Motor Vehicle Safety Act and would expose vehicles to remote hacking. NHTSA stated: *"Hackers could exploit vulnerabilities in a telematics system to compromise multiple vehicles simultaneously."*

That's not hypothetical – it's a direct quote.

Automakers like Kia and Subaru have already disabled telematics in Massachusetts to comply with federal safety laws. Now, Maine law puts manufacturers in the same position – forced to either risk consumer safety or shut off life-saving features.

This law isn't just unnecessary – it's dangerous.

The current law presents legal conflicts under current and pending federal preemption due to current federal law pending litigation. This law mandates that vehicle manufacturers allow undefined third parties to access vehicle telematics data in real time. This directly conflicts with the NHTSA, the FTC, and the U.S. Department of Commerce guidance. In January 2025, the Alliance for Automotive Innovation filed suit in federal court with Maine, citing preemption under the Motor Vehicle Safety Act.

They wrote: *“The Maine Data Access Law is preempted by federal law because it requires the installation of telematics access capabilities that pose cybersecurity and safety risks in direct conflict with standards enforced by the National Highway Traffic Safety Administration.”*

**So, let’s be clear:** Maine law now requires manufacturers to violate federal safety standards – or shut off telematics entirely. That’s not consumer protection. That’s legislative negligence.

National aftermarket parts distributors were the top funders of the Maine Right to Repair PAC. Why? Because real-time diagnostic data helps them optimize parts distribution before the consumer even reaches the repair shop.

This isn’t about empowering local mechanics. It’s about positioning multinational suppliers to outcompete Original Equipment Manufacturers (OEMs) by accessing and controlling your data.

Even more concerning is the financing behind this initiative. The vast majority of the funding came from out-of-state corporate interests – national parts retailers, and data aggregators with a vested interest in open data access. This was not a grassroots repair movement. It was a commercial campaign built on messaging obscuring the law’s implications.

Let’s talk about national auto parts manufacturers and distributors that stand to gain the most from mandatory telematics data sharing. They were key financial supporters of this initiative in Maine and nationwide. Access to real-time diagnostic data helps them target parts sales before a consumer even visits a shop.

These groups also spent time and money lobbying Congress and regulators to adopt federal mandates that mirror Maine’s law. Their stock performance shows consistent interest in data-driven aftermarket expansion.

This is not about independent mechanics. It’s about multinational supply chain positioning.

Members around the horseshoe and in the building will likely hear and have already heard opposition to the legislation before us.

Proponents of the current law will say it helps small shops compete. However, independent repair facilities already have access to repair information. The law does not enhance repairs – it enables live data sharing.

They will say this repeal undermines the will of the people (84% of Mainers, to be sure). But voters were not given the whole picture. They were told this was about fixing their car, not unlocking remote vehicle data streams without regulation. It is our job to protect the public from misinformed policymaking.

They will point to Massachusetts as a model. However, that law was stalled for years in litigation, leading to manufacturers disabling features like emergency crash notification. Additionally, Maine’s law goes even further than Massachusetts’ did. If that’s successful, Maine should want no part of it.

Maine has a history of revisiting referendum laws. Maine voters rightfully value the citizen initiative process. However, laws passed by referendums are not immune to review or repeal, especially when their outcomes are flawed. Over the last two decades, this Legislature has repealed or revised numerous voter-passed laws. These include changes to ranked-choice voting, marijuana policy, minimum wage structures, corridor veto challenge, and campaign finance reforms. We have cleaned up messes before.

Each time, we acted not to subvert the people's will but to fix what voters were misled into supporting. The Legislature acted not to defy voters but to clean up poorly drafted or unworkable laws – just as we must now.

The Right to Repair Working Group, formed by this Legislature, couldn't reach a clear consensus even on the narrow charge. There were too many unanswered questions: Who governs the "independent entity"? What cybersecurity standards apply? How do we protect personal data? The working group couldn't agree on a path forward, and cybersecurity threats remain unresolved. Additionally, federal litigation is underway.

As we saw in the last session, any amendment could be vulnerable to the same legal, technical, and policy flaws and lobbying attacks.

We don't need to waste more time on a rewrite. Repeal is the only responsible option. We need a reset.

There is a better path forward. Repealing this law opens the door to a real repair policy that preserves access to diagnostic tools, protects consumer data, and aligns with evolving federal frameworks. The bipartisan SAFE REPAIR Act is moving forward at the national level. Maine should be part of that solution, not a legal outlier.

Let's work together on legislation that reflects our values: consumer choice, privacy, safety, and local control. Not out-of-state agendas or open-ended mandates.

Colleagues, the law this bill seeks to repeal today is not what voters thought they passed. It is not safe, it is not enforceable, it is not aligned with federal law, and it does not protect Maine consumers.

Repealing this law is not a retreat but a responsible step toward a better solution. It is not the end of the conversation – it's the beginning of a better one. We can reconvene stakeholders, craft a Maine-specific solution, and develop a new framework that preserves repair access without compromising safety and privacy.

Repealing this law clears the path for a more practical, easy-to-understand, Maine-made solution. One that ensures fair repair access, respects federal law, protects consumer privacy, and puts Maine in control – not national PACs.

Colleagues: I want to reiterate this law is unworkable, unenforceable, and unsafe. Repeal it. Then let's do the real work of legislating – the Maine way.

Let's support laws that reflect Maine values, not a national strategy disguised as a consumer protection campaign.

I urge this committee to vote "Ought to Pass" on this repeal legislation.

Thank you for your time. I'm happy to answer your questions.