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*Testimony of Rep. Tiffany Roberts presenting*

**LD 1228, An Act to Clarify Certain Terms in the Automotive Right to Repair  
Laws**

*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 1228, An Act to Clarify Certain Terms in the Automotive Right to Repair Laws**.

This bill directly responds to significant implementation challenges and legal concerns raised since the passage of Maine's Right to Repair referendum. It proposes a much-needed remedy: the insertion of a robust and precise definitions section into Title 29-A, Chapter 15 of Maine's Motor Vehicle statutes – an omission in the original initiative that has created legal ambiguity, operational confusion, and regulatory uncertainty for both the industry and enforcement authorities.

Let me be clear: These definitions do not change the intent or substance of the law. Instead, they provide the structural clarity necessary for it to function as intended. Most critically, every definition in LD 1228 is drawn directly from existing Maine or federal statutes or from accepted national industry standards. This ensures consistency with both state legal frameworks and federal regulations, including the Driver's Privacy Protection Act and the National Highway Traffic Safety Administration standards.

LD 1228 defines terms that are central to implementation but were never previously included in the law. Here are some key definitions and why they matter.

**“Independent Repair Facility” (§1801, 1-B)** *“A person or business...not affiliated with a manufacturer or authorized dealer... engaged in the diagnosis, service, maintenance or repair of motor vehicles...”*

- **Why it matters:** The lack of a definition for this term in the original law raised the question: who qualifies for access to vehicle data? The ballot law was silent, creating ambiguity about whether franchise dealers who repair competing makes, mobile technicians, or even consumers themselves were included. This definition now includes **authorized dealers working on non-affiliated vehicles**, clarifying access rights.

**“Diagnostic and Repair Information” (§1801, 1-A)** *“The electronic messages transmitted between a diagnostic scan tool and an electronic control unit...”*

- **Why it matters:** Clarifies what data must be available to independent repairers. This narrows the scope to **functional repair-related communications**, preventing overreach into sensitive non-repair data.

**“Mechanical Data” (§1801, 2-A)** *“Vehicle-specific data... used in the diagnosis, repair or maintenance...”*

- **Why it matters:** “Mechanical data” is a core component of the voter-approved law. Without a definition, it was unclear whether this meant live vehicle telematics, location info, or only diagnostic codes. This clarifies that **telematics must be shared if it relates to repair**, aligning with the ballot language while respecting federal privacy limits.

**“Telematics System” (§1801, 6)** *“A system in a motor vehicle that collects information... and transmits it using wireless communications...”*

- **Why it matters:** Automakers claim that telematics involve sensitive, non-service data. This definition makes clear the law covers systems like: Remote diagnostics, Crash notification, Navigation and vehicle location, Remote door unlock. It justifies why access to these systems must be standardized – while also setting the stage for further cybersecurity safeguards.

**“Standardized Access Platform” (§1801, 2-D)** *“Technology to facilitate the delivery of motor vehicle data.”*

- **Why it matters:**  
This is the centerpiece of the law – the platform through which data is shared. Automakers have argued there is no working model for this.
- This definition gives regulators a starting point to set technical specifications and begin implementation.

**“Owner-Authorized” (§1801, 2-C)** *“The owner has provided explicit consent... in compliance with applicable laws including the federal Driver’s Privacy Protection Act (DPPA).”*

- **Why it matters:**  
Ties the law back to federal privacy law, answering critics who argue it could violate consumer privacy. This ensures any access to telematics or repair data must be explicitly consented to by the vehicle owner, closing a key legal loophole.

**“Securely Communicating” (§1801, 4-A)** *“Using encryption or secure data transmission protocols...”*

- **Why it matters:**  
This speaks directly to concerns raised by the National Highway Traffic Safety Administration (NHTSA) about the risk of hackers accessing safety-critical systems. It helps harmonize the law with cybersecurity best practices and anticipates federal

preemption challenges.

**This definitions section matters because it makes it legally defensible.** It addresses core arguments that claim the law is too vague to enforce. It is also implementable: regulators, repair shops, and manufacturers now have concrete reference points for what is expected, which was missing from the original text. It aligns with Federal Law: Maine's statute's inclusion of references to the DPPA, federal standards, and secure communication protocols positions it to survive legal scrutiny and coexist with national policy.

Without these definitions, we've faced legitimate questions about who qualifies for access to sensitive vehicle data and under what circumstances. That lack of clarity has led to legal action which argues that the statute is unenforceable and unconstitutionally vague. This position is strengthened by the absence of clear statutory definitions and the fact that no independent entity, another undefined term, has been appointed or empowered to implement the data-sharing platform required under current law.

We are not alone in facing this challenge. Massachusetts, whose similarly drafted ballot initiative that served as the model for ours, has seen years of litigation and delays due to similar statutory deficiencies. As a result, their law remains largely unenforced. Maine has the opportunity to learn from those missteps and fix our law before the same issues harden into policy failures.

In closing, LD 1228 provides foundational clarity. It defines the core terms that make this law functional. It aligns Maine's statute with existing legal and regulatory frameworks without expanding the scope of what the voters approved. It simply makes that law work.

I respectfully urge the committee to support LD 1228 so that we can ensure that the promises made to Maine voters, around fairness, transparency, and the right to repair, are kept in a way that is clear, enforceable, and legally sound.

Thank you for your time. I would be happy to answer any questions.