

# MAINE STATE LEGISLATURE

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L.D. 1228

Date: 6/17/25 Minority (Filing No. H-765)

HOUSING AND ECONOMIC DEVELOPMENT

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

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**Sec. 3. 29-A MRSA §1810, sub-§2, as enacted by IB 2023, c. 3, §3, is repealed.**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

**COMMITTEE AMENDMENT**

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~~ 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.

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**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)



# 132nd MAINE LEGISLATURE

LD 1228

LR 1712(03)

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

**Fiscal Note for Bill as Amended by Committee Amendment**

**Committee: Housing and Economic Development**

**Fiscal Note Required: Yes**

*B(H-765)*

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## Fiscal Note

Minor cost increase - General Fund  
Minor cost decrease - General Fund  
Minor revenue decrease - General Fund

### Correctional and Judicial Impact Statements

This bill may decrease the number of civil suits filed in the court system. The Judicial Branch may realize some minor reduction of workload and administrative costs associated with the minimal number of cases that will no longer be filed. Collection of filing fees will decrease General Fund revenue by minor amounts.

### Fiscal Detail and Notes

Any additional costs to the Office of the Governor from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.