

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1394

H.P. 916

House of Representatives, April 1, 2025

**An Act to Support Maine's Electric Vehicle Adoption Goals by  
Providing an Exclusion for Electric Vehicles from Certain  
Requirements of the Right to Repair Law**

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Reference to the Committee on Housing and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative ROBERTS of South Berwick.  
Cosponsored by Representative: COLLAMORE of Pittsfield.

1       **Be it enacted by the People of the State of Maine as follows:**

2       **Sec. 1. 29-A MRSA §1801, sub-§1-A** is enacted to read:

3       **1-A. Electric vehicle.** "Electric vehicle" means a motor vehicle that is a battery  
4 electric vehicle, as defined in Title 35-A, section 10126, subsection 1, paragraph A, or a  
5 plug-in hybrid electric vehicle, as defined in Title 35-A, section 10126, subsection 1,  
6 paragraph D.

7       **Sec. 2. 29-A MRSA §1801, sub-§2-B** is enacted to read:

8       **2-B. Manufacturer.** "Manufacturer" means a person engaged in the business of  
9 manufacturing or assembling new motor vehicles that are sold in this State.

10       **Sec. 3. 29-A MRSA §1801, sub-§6,** as enacted by IB 2023, c. 3, §2, is amended to  
11 read:

12       **6. Telematics system.** "Telematics system" means a system in a motor vehicle that  
13 collects information generated by the operation of the vehicle and transmits that  
14 information using wireless communications to a remote receiving point where the  
15 information is stored or used. "Telematics system" includes, but is not limited to, any of  
16 the following services:

17       A. Automatic airbag deployment and crash notification;

18       B. Remote diagnostics;

19       C. Navigation;

20       D. Vehicle location;

21       E. Remote door unlock;

22       F. Transmitting emergency and vehicle location information to public safety  
23 answering points; and

24       G. Any other service integrating vehicle location technology, wireless  
25 communications or convenience features in a vehicle.

26       **Sec. 4. 29-A MRSA §1810, sub-§7,** as enacted by IB 2023, c. 3, §3, is repealed  
27 and the following enacted in its place:

28       **7. Exclusions.** Notwithstanding any provision of this section to the contrary, the  
29 following exclusions from the requirements of this section apply.

30       A. A manufacturer of motor vehicles sold in the United States may exclude diagnostic,  
31 service and repair information necessary to reset an immobilizer system or security-  
32 related electronic module from information provided to motor vehicle owners and  
33 independent repair facilities. If excluded under this paragraph, the information  
34 necessary to reset an immobilizer system or security-related electronic module must be  
35 made available to motor vehicle owners and independent repair facilities through the  
36 secure data release model system as used on January 5, 2024 by the National  
37 Automotive Service Task Force or other known, reliable and accepted systems.

38       B. A manufacturer of motor vehicles sold in the United States may be excluded from  
39 the requirements of subsection 6 and any other telematics systems requirements of this  
40 section for any electric vehicle sold by the manufacturer if:

1           (1) The electric vehicle's telematics system complies with applicable security and  
2           privacy standards of the Federal Trade Commission and the United States  
3           Department of Transportation, National Highway Traffic Safety Administration as  
4           set forth in rules adopted by the Department of Environmental Protection pursuant  
5           to subsection 7-A; and

6           (2) The manufacturer meets the electric vehicle availability threshold established  
7           by the Department of Environmental Protection by rule pursuant to subsection 7-A.

8           To qualify for the exclusion under this paragraph for an electric vehicle, the  
9           manufacturer shall annually provide to the Department of Environmental Protection  
10          for review and approval a certification that it satisfies the requirements of  
11          subparagraphs (1) and (2).

12          **Sec. 5. 29-A MRSA §1810, sub-§7-A** is enacted to read:

13          **7-A. Electric vehicle availability threshold; report.** In consultation with the  
14          Department of Transportation and the Governor's Energy Office, the Department of  
15          Environmental Protection shall adopt routine technical rules, as defined in Title 5, chapter  
16          375, subchapter 2-A, for the purposes of administering the exclusion under subsection 7,  
17          paragraph B, which must, at a minimum:

18          A. Establish an electric vehicle availability threshold that a manufacturer must meet  
19          for the purposes of the exclusion under subsection 7, paragraph B that sets forth a  
20          minimum number of electric vehicles that must be annually delivered for sale or lease  
21          to all motor vehicle dealers in the State by a manufacturer of motor vehicles or a  
22          minimum percentage of electric vehicles out of the total number of all vehicles of that  
23          manufacturer that are delivered for sale or lease to all dealers. In establishing the  
24          threshold, the Department of Environmental Protection shall, at a minimum, account  
25          for the electric vehicle adoption goals outlined in the climate action plan under Title  
26          38, section 577 and motor vehicle and electric vehicle market conditions;

27          B. Include a process by which the Department of Environmental Protection shall  
28          annually review the electric vehicle availability threshold under paragraph A and adjust  
29          that threshold based on changes in electric vehicle adoption, market conditions or other  
30          factors determined by the department;

31          C. Identify the applicable security and privacy standards of the Federal Trade  
32          Commission and the United States Department of Transportation, National Highway  
33          Traffic Safety Administration that a manufacturer of motor vehicles must certify that  
34          an electric vehicle complies with for the exclusion under subsection 7, paragraph B to  
35          apply to the electric vehicle; and

36          D. Include a process by which a manufacturer of motor vehicles may submit to the  
37          Department of Environmental Protection the certification described in paragraph C for  
38          the exclusion under subsection 7, paragraph B to apply to an electric vehicle sold by  
39          the manufacturer.

40          By January 15, 2026, and annually thereafter, the Department of Environmental Protection  
41          shall submit to the joint standing committee of the Legislature having jurisdiction over  
42          environment and natural resources matters a report providing, at a minimum, information  
43          regarding the number of manufacturer certifications reviewed and approved or denied  
44          pursuant to subsection 7, paragraph B; an assessment of the effect of those exclusions on

1 electric vehicle adoption in the State and on consumer safety, data privacy and the  
2 availability of diagnostic, service and repair information; and recommendations, including  
3 proposed legislation, for amendments to the exclusion in subsection 7, paragraph B or the  
4 department's rule-making authority in this subsection. After review, the committee may  
5 report out legislation relating to the report.

## 6 SUMMARY

7 This bill amends the motor vehicle right to repair law to provide an exclusion from  
8 certain telematics systems requirements for electric vehicles sold by a motor vehicle  
9 manufacturer if the manufacturer annually certifies to the Department of Environmental  
10 Protection that the electric vehicle's telematics system complies with applicable security  
11 and privacy standards of the Federal Trade Commission and the United States Department  
12 of Transportation, National Highway Traffic Safety Administration and the manufacturer  
13 meets the electric vehicle availability threshold established in department rule. The  
14 threshold must set forth a minimum number of electric vehicles that must be annually  
15 delivered for sale or lease to all motor vehicle dealers in the State by a manufacturer of  
16 motor vehicles or a minimum percentage of electric vehicles out of the total number of all  
17 vehicles of that manufacturer that are delivered for sale or lease to all dealers.

18 By January 15, 2026, and annually thereafter, the Department of Environmental  
19 Protection must submit to the joint standing committee of the Legislature having  
20 jurisdiction over environment and natural resources matters a report providing information  
21 regarding the number of electric vehicle exclusions reviewed and approved or denied; an  
22 assessment of the effect of those exclusions on electric vehicle adoption and on consumer  
23 safety, data privacy and the availability of diagnostic, service and repair information; and  
24 recommendations, including proposed legislation, for necessary amendments to the  
25 exclusion. After reviewing the report, the committee may report out related legislation.