

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

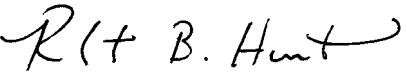
No. 1467

H.P. 959

House of Representatives, April 3, 2025

An Act to Ensure Accountability for Repairs Conducted by Independent Repair Facilities on Motor Vehicles Under Warranty

Reference to the Committee on Transportation suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative COLLAMORE of Pittsfield.
Cosponsored by Representatives: QUINT of Hodgdon, ROBERTS of South Berwick.

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. Consumer.** "Consumer" has the same meaning as in Title 10, section 1161,
4 subsection 1.

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

6 **2-B. Independent repair facility.** "Independent repair facility" means a repair facility
7 that is not affiliated with a manufacturer or manufacturer's authorized dealer except a
8 manufacturer's authorized dealer or other entity within the network of repair facilities
9 certified by the manufacturer if the dealer or other entity is engaged in repair of a motor
10 vehicle that is not affiliated with the manufacturer.

11 **Sec. 3. 29-A MRSA §1801, sub-§2-C** is enacted to read:

12 **2-C. Manufacturer.** "Manufacturer" has the same meaning as in Title 10, section
13 1161, subsection 2.

14 **Sec. 4. 29-A MRSA §1801, sub-§2-D** is enacted to read:

15 **2-D. Manufacturer's warranty.** "Manufacturer's warranty" means an express
16 warranty provided by a manufacturer for a motor vehicle manufactured by the manufacturer
17 at the time of the sale of the motor vehicle.

18 **Sec. 5. 29-A MRSA §1812** is enacted to read:

19 **§1812. Liability for improper repairs by independent repair facilities**

20 **1. Liability for improper repairs.** If an independent repair facility performs a repair
21 on a motor vehicle covered by a manufacturer's warranty and the repair fails to meet
22 industry standards or results in further damage or defect to the motor vehicle, the
23 independent repair facility is responsible for:

24 A. Reimbursing the consumer for any additional costs incurred by the consumer in
25 correcting the improper repair; and

26 B. Reimbursing a motor vehicle dealership or the manufacturer for any costs incurred
27 by the motor vehicle dealership or the manufacturer in correcting the improper repair.

28 **2. Burden of proof.** A motor vehicle dealership or manufacturer has the burden of
29 proof supported by sufficient evidence in establishing that an independent repair facility
30 improperly repaired a motor vehicle under subsection 1.

31 **3. Disclosure to consumers.** An independent repair facility performing a repair on a
32 consumer's motor vehicle under a manufacturer's warranty shall, prior to performing the
33 repair, disclose to the consumer in writing that:

34 A. The independent repair facility is not affiliated with the manufacturer or a motor
35 vehicle dealership; and

36 B. An improper repair under subsection 1 may result in an additional expense or
37 warranty conflict.

38 **4. Exceptions.** This section does not apply if:

A. An improper repair under subsection 1 was the result of inaccurate or incomplete information provided by the consumer, the manufacturer or a motor vehicle dealership;
or

B. The repair was necessitated by misuse or neglect of the motor vehicle by the consumer.

5. Unfair trade practice. The failure of an independent repair facility to reimburse a consumer, motor vehicle dealership or manufacturer under subsection 1 constitutes an unfair trade practice under the Maine Unfair Trade Practices Act.

6. Rules. The Secretary of State shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill requires independent motor vehicle repair facilities to cover consumer, motor vehicle manufacturer and motor vehicle dealership costs in correcting improper repairs performed by those facilities on motor vehicles that are covered by manufacturer's warranties. The bill provides that such a facility that fails to reimburse the costs to correct an improper repair commits an unfair trade practice under the Maine Unfair Trade Practices Act.