

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1210

S.P. 398

March 7, 2007

### **An Act Concerning the Diagnosis, Service and Repair of Motor Vehicles**

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Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAMON of Hancock.

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

2 **Sec. 1. 10 MRSA §1174, sub-§2-A** is enacted to read:

3 **2-A. Service information.** Manufacturer to fail to promptly provide to the motor  
4 vehicle owner or lessee and any motor vehicle repair facility the information necessary to  
5 diagnose, service or repair a motor vehicle manufactured by that manufacturer. Except as  
6 provided in this subsection, service information includes information necessary to  
7 integrate replacement equipment into the vehicle and other information to diagnose,  
8 service or repair, activate, certify or install motor vehicle equipment in a motor vehicle.  
9 Service information does not include information that is a trade secret as defined in  
10 section 1542, subsection 4.

11 A. Notwithstanding section 1186, a person who violates this subsection commits a  
12 civil violation for which a fine of not more than \$10,000 may be adjudged for the first  
13 offense and not more than \$20,000 may be adjudged for each subsequent violation.

14 B. A motor vehicle owner or the owner of a motor vehicle repair facility may bring a  
15 civil action to enjoin a violation of this subsection and to recover litigation costs,  
16 including but not limited to reasonable attorney's fees and expert witness fees;

17 **Sec. 2. 10 MRSA §1185,** as enacted by PL 1975, c. 573, is amended to read:

18 **§1185. Jurisdiction**

19 Any Notwithstanding section 1174, subsection 2-A, a person who shall violate  
20 violates any provisions of this chapter shall be is subject to the jurisdiction of the courts  
21 of this State, upon service of process in accordance with Title 14, chapter 203, and  
22 consistent with the maximum limits of due process as decided by the United States  
23 Supreme Court.

24 **SUMMARY**

25 This bill requires an automobile manufacturer to provide the owner or lessee and  
26 repair facilities with the information necessary to diagnose, service or repair, certify,  
27 activate or install equipment in a motor vehicle it has manufactured.