

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1278

H.P. 874

House of Representatives, April 9, 2015

An Act Regarding the Purchase of Essential Tools for the Repair of Motor Vehicles

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

ROBERT B. HUNT
Clerk

Presented by Representative McCLELLAN of Raymond.
Cosponsored by Representatives: CRAFTS of Lisbon, HANINGTON of Lincoln, TIMMONS of Cumberland, WALLACE of Dexter.

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

2 **Sec. 1. 10 MRSA §1174, sub-§3, ¶F-1**, as amended by PL 2013, c. 534, §3, is
3 further amended to read:

4 F-1. To vary or change the cost or the markup in any fashion or through any device
5 whatsoever to any dealer for any motor vehicle of that line make based on:

6 (1) The purchase by any dealer of furniture or other fixtures from any particular
7 source; or

8 (2) The purchase by any dealer of computers or other technology from any
9 particular source.

10 Notwithstanding any other provision of law, a manufacturer may require that a dealer
11 purchase an essential tool, either directly from the manufacturer or from a 3rd party
12 designated by the manufacturer. A manufacturer that designates any tool as special
13 or essential, or who requires the purchase of hardware or software, whether or not
14 designated as an essential tool, may ~~recover from~~ directly charge the dealer only the
15 manufacturer's actual costs of providing any such tool, the actual costs of user fees,
16 the actual costs of maintenance fees and other costs of any nature of software for any
17 such tool, as long as the tool is directly available only from the manufacturer or its
18 wholly owned subsidiary, except that this restriction does not apply to essential tools
19 purchased by a dealer from a 3rd party designated by the manufacturer;

20 **SUMMARY**

21 This bill allows a motor vehicle manufacturer to require a dealer to purchase an
22 essential tool either from the manufacturer or a 3rd party designated by the manufacturer.