

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1677

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I.B. 3

House of Representatives, April 18, 2023

### **An Act Regarding Automotive Right to Repair**

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Transmitted to the Clerk of the 131st Maine Legislature by the Secretary of State on April 13, 2023 and ordered printed.

*Robert B. Hunt*  
ROBERT B. HUNT  
Clerk

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

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

3 **2-A. Mechanical data.** "Mechanical data" means any vehicle-specific data, including  
4 telematics system data, generated by, stored in or transmitted by a motor vehicle and used  
5 in the diagnosis, repair or maintenance of a motor vehicle.

6 **Sec. 2. 29-A MRSA §1801, sub-§6** is enacted to read:

7 **6. Telematics system.** "Telematics system" means a system in a motor vehicle that  
8 collects information generated by the operation of the vehicle and transmits that  
9 information using wireless communications to a remote receiving point where the  
10 information is stored or used.

11 **Sec. 3. 29-A MRSA §1810** is enacted to read:

12 **§1810. Right to repair**

13 **1. Access to diagnostic systems.** Access to the vehicle on-board diagnostic systems  
14 of all motor vehicles, including commercial motor vehicles and heavy duty vehicles having  
15 a gross vehicle weight rating of more than 14,000 pounds, must be standardized and made  
16 accessible to owners and independent repair facilities and the access may not require  
17 authorization by the manufacturer, directly or indirectly, unless that authorization is  
18 standardized across all makes and models of motor vehicles sold in this State and is  
19 administered by the independent entity described in subsection 2.

20 **2. Independent entity.** The Attorney General shall designate an independent entity  
21 not controlled by one or more motor vehicle manufacturers to establish and administer  
22 access to vehicle-generated data that is available through the on-board diagnostic system  
23 or that is transmitted by the standardized access platform authorized under this section. The  
24 independent entity must consist of one representative each from a cross section of industry  
25 trade groups including but not limited to organizations representing motor vehicle  
26 manufacturers, aftermarket parts manufacturers, aftermarket parts distributors and retailers,  
27 independent motor vehicle service providers and new car dealers. The independent entity  
28 shall manage cyber-secure access to motor vehicle-generated data, including ensuring on  
29 an ongoing basis that access to the on-board diagnostic system and standardized access  
30 platform is secure based on all applicable United States and international standards. The  
31 independent entity shall:

32 A. Identify and adopt relevant standards for implementation of this section and  
33 relevant provisions for accreditation and certification of organizations and for a system  
34 for monitoring policy compliance;

35 B. Monitor and develop policies for the evolving use and availability of data generated  
36 by the operations of motor vehicles; and

37 C. Create policies for compliance with relevant laws, regulations, standards,  
38 technologies and best practices related to access to motor vehicle data.

39 **3. Model year 2002 motor vehicles.** For model year 2002 motor vehicles, including  
40 commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating  
41 of more than 14,000 pounds, each manufacturer of motor vehicles sold in this State shall  
42 make available for purchase under fair and reasonable terms by owners and independent

1 repair facilities all diagnostic repair tools, parts, software and components incorporating  
2 the same diagnostic, functional repair and wireless capabilities that the manufacturer makes  
3 available to its authorized repair shops. Each manufacturer shall:

4 A. Provide diagnostic repair information to each aftermarket scan tool company and  
5 each 3rd-party service information provider with whom the manufacturer has  
6 appropriate licensing, contractual or confidentiality agreements for the sole purpose of  
7 building aftermarket diagnostic tools and 3rd-party service information publications  
8 and systems. Once a manufacturer makes information available pursuant to this  
9 paragraph, the manufacturer is considered to have satisfied its obligations under this  
10 paragraph and thereafter is not responsible for the content and functionality of  
11 aftermarket diagnostic tools or service information systems;

12 B. Make available for purchase by owners of motor vehicles and by independent repair  
13 facilities the same diagnostic and repair information, including repair technical  
14 updates, that the manufacturer makes available to its authorized repair shops through  
15 the manufacturer's Internet-based diagnostic and repair information system; and

16 C. Provide access to the manufacturer's diagnostic and repair information system for  
17 purchase by owners of motor vehicles and independent repair facilities on a daily,  
18 monthly and yearly subscription basis and upon fair and reasonable terms.

19 All parts, tools, software and other components necessary to complete a full repair of the  
20 vehicle, as referenced in this subsection, must be included and provided to owners of motor  
21 vehicles and authorized independent repair shops.

22 **4. Model year 2002-2017 motor vehicles.** For model year 2002-2017 motor vehicles,  
23 including commercial motor vehicles and heavy duty vehicles having a gross vehicle  
24 weight rating of more than 14,000 pounds, access to a vehicle's on-board diagnostic and  
25 repair information system must be the same for an owner or an independent repair facility  
26 as that provided to a new vehicle dealer.

27 **5. Model year 2018 and later motor vehicles.** For model year 2018 and later motor  
28 vehicles, including commercial motor vehicles and heavy duty vehicles having a gross  
29 vehicle weight rating of more than 14,000 pounds, access to the on-board diagnostic and  
30 repair information system must be available through use of an off-the-shelf personal  
31 computer with sufficient memory, processor speed, connectivity and other capabilities as  
32 specified by the vehicle manufacturer and:

33 A. A nonproprietary vehicle interface device that complies with SAE International  
34 standard J2534, SAE International standard J1939, commonly referred to as SAE  
35 J2534 and SAE J1939, the International Organization for Standardization standard  
36 22900, commonly referred to as ISO 22900, or any successor to SAE J2534, SAE  
37 J1939 or ISO 22900 as may be accepted or published by SAE International or the  
38 International Organization for Standardization, as appropriate;

39 B. An on-board diagnostic and repair information system integrated into and entirely  
40 self-contained within the vehicle, including, but not limited to, service information  
41 systems integrated into an on-board display; and

42 C. A system that provides direct access to on-board diagnostic and repair information  
43 through a nonproprietary vehicle interface, such as ethernet, universal serial bus or  
44 digital versatile disc.

1 Each manufacturer shall provide access to the same on-board diagnostic and repair  
2 information available to their dealers, including technical updates to such on-board  
3 systems, through such nonproprietary interfaces as referenced in this subsection. All parts,  
4 tools, software and other components necessary to complete a full repair of a vehicle, as  
5 referenced in this subsection, must be included and provided to motor vehicle owners and  
6 authorized independent repair shops.

7 **6. Required equipment.** Not later than one year from the effective date of this section,  
8 a manufacturer of motor vehicles sold in this State, including commercial motor vehicles  
9 and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds,  
10 that uses a telematics system is required to equip vehicles sold in this State with an inter-  
11 operable, standardized and owner-authorized access platform across all of the  
12 manufacturer's makes and models. The platform must be capable of securely  
13 communicating all mechanical data emanating directly from the motor vehicle via direct  
14 data connection to the platform. The platform must be directly accessible by the motor  
15 vehicle owner through a mobile-based application and, upon the authorization of the owner,  
16 all mechanical data must be directly accessible by an independent repair facility or a  
17 licensed dealer as described in section 851, subsections 2 and 9, limited to the time to  
18 complete the repair or for a period of time agreed to by the motor vehicle owner for the  
19 purposes of maintaining, diagnosing and repairing the motor vehicle. Access must include  
20 the ability to send commands to in-vehicle components if needed for purposes of  
21 maintenance, diagnostics and repair. All parts, tools, software and other components  
22 necessary to complete a full repair of the vehicle, as referenced in this subsection, must be  
23 included and provided to motor vehicle owners and authorized independent repair shops.

24 **7. Exclusions.** Manufacturers of motor vehicles sold in the United States may exclude  
25 diagnostic, service and repair information necessary to reset an immobilizer system or  
26 security-related electronic modules from information provided to motor vehicle owners and  
27 independent repair facilities. If excluded under this subsection, the information necessary  
28 to reset an immobilizer system or security-related electronic modules must be made  
29 available to motor vehicle owners and independent repair facilities through the secure data  
30 release model system as used on the effective date of this section by the National  
31 Automotive Service Task Force or other known, reliable and accepted systems.

32 **8. Enforcement.** If the independent entity described by subsection 2 has reason to  
33 believe that a manufacturer has violated any provision of this section, the independent  
34 entity shall notify the Attorney General. The Attorney General shall promptly institute any  
35 actions or proceedings the Attorney General considers appropriate. The independent entity,  
36 through the Attorney General, may apply to the Superior Court of any county of the State  
37 to enforce any lawful order made or action taken by the independent entity pursuant to this  
38 section.

39 A motor vehicle owner or independent repair facility authorized by an owner who has been  
40 denied access to mechanical data in violation of this section may initiate a civil action  
41 seeking any remedies under law. Each denial of access is compensable by an award of  
42 treble damages or \$10,000, whichever amount is greater.

43 **Sec. 4. 29-A MRSA §1811** is enacted to read:

44 **§1811. Telematics system notice**

1           **1. Notice.** The Attorney General shall establish for prospective motor vehicle owners  
2 a motor vehicle telematics system notice that includes, but is not limited to, the following  
3 features:

4           A. An explanation of telematics systems and their purposes;

5           B. A description summarizing the mechanical data collected, stored and transmitted  
6 by a telematics system;

7           C. The prospective motor vehicle owner's ability to access the vehicle's mechanical  
8 data through a mobile device; and

9           D. A motor vehicle owner's right to authorize an independent repair facility to access  
10 the vehicle's mechanical data for vehicle diagnostics, repair and maintenance purposes.

11           **2. Notice form.** The notice form must provide for the prospective motor vehicle  
12 owner's signature certifying that the prospective owner has read the telematics system  
13 notice under subsection 1.

14           **3. Provision of notice.** When selling or leasing motor vehicles containing a telematics  
15 system, a dealer as defined in section 851, subsection 2 and a new vehicle dealer as defined  
16 in section 851, subsection 9 shall provide the telematics system notice under subsection 1  
17 to the prospective owner, obtain the prospective owner's signed certification that the  
18 prospective owner has read the notice and provide a copy of the signed notice to the  
19 prospective owner. A dealer's failure to comply with the provisions of this subsection is  
20 grounds for any action by the licensing authority relative to the dealer's license, up to and  
21 including revocation.

## 22           SUMMARY

23           This initiated bill requires manufacturers of certain motor vehicles to standardize the  
24 vehicle on-board diagnostic systems and make those systems accessible to owners and  
25 independent repair facilities. It requires the Attorney General to designate an independent  
26 entity to administer the accessibility of vehicle on-board diagnostic systems by adopting  
27 standards and developing policies. The initiated bill requires the release of certain  
28 diagnostic repair tools, parts, software and components depending on model year of the  
29 motor vehicle. It also requires certain motor vehicles to be equipped with a standard access  
30 platform and provides exclusions for information otherwise required to be shared with  
31 owners or independent repair shops if that information is necessary for immobilizer  
32 systems or security-related modules. The initiated bill provides for enforcement by civil  
33 action of the provisions related to access and information sharing and provides the available  
34 damages. It also requires that the Attorney General establish a notice relating to motor  
35 vehicle telematics systems and requires dealers of certain motor vehicles to provide that  
36 notice to potential owners of motor vehicles, and it provides for an administrative  
37 consequence if a dealer does not comply.