

MAINE STATE LEGISLATURE

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Date: 4/8/24

MAJORITY

L.D. 1911

(Filing No. H-935)

**INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND
BUSINESS**

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1227, L.D. 1911, "An Act Concerning
Automotive Right to Repair"

Amend the bill by striking out everything after the enacting clause and inserting the
following:

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

1-A. Dealer. "Dealer" means a person engaged in the business of buying, selling, exchanging or offering to negotiate, negotiating or advertising the sale of a motor vehicle under a franchise agreement with a manufacturer and that:

A. Has an established place of business for those purposes in this State;

B. Has a current dealer license issued by the Secretary of State; and

C. Is engaged in the diagnosis, service, maintenance or repair of motor vehicles or motor vehicle engines under the terms of the franchise agreement.

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

1-B. Diagnostic and repair information. "Diagnostic and repair information" includes technical repair updates and diagnostic and repair tools.

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

2-B. Immobilizer system. "Immobilizer system" means an electronic device designed for the sole purpose of preventing the theft of a motor vehicle by preventing the motor vehicle in which it is installed from starting without the correct activation or authorization code.

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

2-C. Independent repair facility. "Independent repair facility" means a person that is not affiliated with a manufacturer or manufacturer's authorized dealer and that is engaged in the diagnosis, service, maintenance or repair of motor vehicles or motor vehicle engines,

COMMITTEE AMENDMENT

1 except that "independent repair facility" includes a manufacturer's authorized dealer or
2 other entity within a manufacturer's certified repair network when the dealer or other entity
3 is engaged in the diagnosis, service, maintenance or repair of a motor vehicle or motor
4 vehicle engine that is not affiliated with the manufacturer.

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

6 **2-D. Manufacturer.** "Manufacturer" means a person engaged in the business of
7 manufacturing or assembling new motor vehicles that are sold in this State.

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

9 **2-E. Motor vehicle.** "Motor vehicle" or "vehicle" has the same meaning as in section
10 101, subsection 42, except that it does not include a motorcycle.

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

12 **2-F. Owner.** "Owner" means a person or business that owns or leases a motor vehicle
13 registered in this State.

14 **Sec. 8. 29-A MRSA §1801, sub-§6,** as enacted by IB 2023, c. 3, §2, is amended to
15 read:

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

- 21 A. Automatic airbag deployment and crash notification;
- 22 B. Remote diagnostics;
- 23 C. Navigation;
- 24 D. Vehicle location;
- 25 E. Remote door unlock;
- 26 F. Transmitting emergency and vehicle location information to public safety
27 answering points; and
- 28 G. Any other service integrating vehicle location technology, wireless
29 communications or convenience features in a vehicle.

30 **Sec. 9. 29-A MRSA §1810, sub-§1,** as enacted by IB 2023, c. 3, §3, is amended to
31 read:

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

39 **Sec. 10. 29-A MRSA §1810, sub-§2,** as enacted by IB 2023, c. 3, §3, is repealed.

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1 **Sec. 11. 29-A MRSA §1810, sub-§6**, as enacted by IB 2023, c. 3, §3, is repealed.

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

3 **7-A. Applicability to mobile communications.** With the exception of telematics
4 system diagnostic and repair information that is provided to dealers that is necessary to
5 diagnose and repair a customer's vehicle and that is not otherwise available to an
6 independent repair facility by means of the information or tools required by this section,
7 this section does not apply to telematics systems or any other remote or information service,
8 diagnostic or otherwise, delivered to or derived from a motor vehicle by mobile
9 communications.

10 **Sec. 13. 29-A MRSA §1810, sub-§8**, as enacted by IB 2023, c. 3, §3, is repealed.

11 **Sec. 14. 29-A MRSA §1810, sub-§9** is enacted to read:

12 **9. Enforcement by owner or independent repair facility.** If an owner or
13 independent repair facility believes that a manufacturer has failed to provide diagnostic and
14 repair information or a tool required by this section, the owner or independent repair facility
15 may notify the manufacturer in writing. A manufacturer that receives a notice under this
16 subsection shall provide the diagnostic and repair information no later than the 30th day
17 after the date of the notice. If the manufacturer fails to respond to the notice provided, or if
18 the owner or independent repair facility is not satisfied with the manufacturer's action in
19 response to the notice, the owner or independent repair facility may file a complaint in the
20 Superior Court or, if applicable, in the United States District Court for the District of Maine.

21 **Sec. 15. 29-A MRSA §1810, sub-§10** is enacted to read:

22 **10. Enforcement by Attorney General.** If an owner or independent repair facility
23 has reason to believe that a manufacturer has violated a provision of this section, the owner
24 or independent repair facility may notify the Attorney General. The Attorney General may
25 bring an action in Superior Court for temporary or permanent injunctive relief.

26 **Sec. 16. 29-A MRSA §1810, sub-§11** is enacted to read:

27 **11. Interpretation.** This section may not be construed to:

28 **A. Abrogate a telematics systems contract or other contract that exists between a**
29 **manufacturer or a service provider and an owner or a dealer;**

30 **B. Require a manufacturer or a dealer to disclose to any person the identity of existing**
31 **customers or customer lists;**

32 **C. Prevent a manufacturer and an owner or independent repair facility that are subject**
33 **to this section from agreeing to the sale of information and tools on any other terms on**
34 **which they agree;**

35 **D. Require a dealer to use a nonproprietary motor vehicle interface;**

36 **E. Prohibit a manufacturer from developing a proprietary vehicle diagnostic and**
37 **reprogramming device, as long as the manufacturer also complies with this section;**

38 **F. Require a manufacturer to divulge anything that constitutes, represents, evidences**
39 **or records intellectual property, including secret or confidentially held designs,**
40 **processes, procedures, formulas, inventions or improvements; secret or confidentially**
41 **held scientific, technical, merchandising, production, financial, business or**

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1 management information; or anything within the definition of "trade secret" in 18
2 United States Code, Section 1839(3);

3 G. Require a manufacturer to compromise the physical security or cybersecurity of
4 any motor vehicle or motor vehicle systems or components;

5 H. Abrogate, interfere with, contradict or alter the terms of any franchise agreement
6 executed and in force between a dealer and a manufacturer before January 5, 2024,
7 including, but not limited to, the performance or provision of warranty or recall repair
8 work by a dealer on behalf of a manufacturer pursuant to the franchise agreement. A
9 provision in a franchise agreement executed on or after January 5, 2024 that purports
10 to waive, avoid, restrict or limit a manufacturer's compliance with this section is void
11 and unenforceable; or

12 I. Require a manufacturer or dealer to provide an owner or independent repair facility
13 access to information not related to diagnostics and repair of motor vehicles provided
14 by a manufacturer to a dealer or provided by a dealer to a manufacturer pursuant to the
15 terms of a franchise agreement.'

16 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
17 number to read consecutively.

18 **SUMMARY**

19 This amendment, which is the majority report of the committee, replaces the bill. It
20 amends the automotive right to repair law as follows.

- 21 1. It provides additional definitions.
- 22 2. It further defines the types of services that are considered part of a telematics system.
- 23 3. It removes the provision that provides that manufacturers are not permitted to
24 require authorization before providing access to a vehicle's on-board diagnostic systems.
- 25 4. It repeals the provisions establishing and providing enforcement authority to an
26 independent entity and establishes processes by which independent repair facilities, owners
27 or the Attorney General may enforce the law against manufacturers.
- 28 5. It repeals the provision regarding required equipment for accessing vehicle-
29 generated data.
- 30 6. It stipulates the limited applicability of the law to mobile communications.
- 31 7. It adds provisions regarding the interpretation of the law.

32 **FISCAL NOTE REQUIRED**

33 (See attached)



131st MAINE LEGISLATURE

LD 1911

LR 2523(02)

An Act Concerning Automotive Right to Repair

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-935)
Committee: Innovation, Development, Economic Advancement and Business
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system. The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time. The collection of additional filing fees will increase General Fund revenue by minor amounts.