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I.B. 3

House of Representatives, April 18, 2023

An Act Regarding Automotive Right to Repair

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

A handwritten signature in cursive script that reads "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**

