

## Maine Right to Repair Citizen Initiative

“Do you support independent auto repair shops and car repair businesses to have access to electronic mechanical data equipment and parts for all motor vehicles, including commercial motor vehicles, in order to repair the vehicle and ensure motor vehicle road safety?”

Be it enacted by the People of Maine, and by their authority:

Amend Title 29-A, Ch. 15 as the following:

### SECTION 1.

Sec. 1801 is hereby amended by inserting the following definitions:

“ Mechanical data”, any vehicle-specific data, including telematics system data, generated, stored in or transmitted by a motor vehicle used in the diagnosis, repair or maintenance of a motor vehicle.

“ Telematics system,” any system in a motor vehicle that collects information generated by the operation of the vehicle and transmits such information, in this chapter referred to as “telematics system data,” utilizing wireless communications to a remote receiving point where it is stored and/or used.

### SECTION 2.

All motor vehicles, including commercial and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, owner’s and independent repair facilities ’access to vehicle on-board diagnostic systems shall be standardized and not require any authorization by the manufacturer, directly or indirectly, unless the authorization system for access to vehicle networks and their on-board diagnostic systems is standardized across all makes and models sold in the State of Maine and is administered by an entity unaffiliated with a manufacturer.

The Maine attorney general shall designate an independent entity not controlled by one or more of the motor vehicle manufacturers to establish and administer access to vehicle generated data available through the on-board diagnostic system and/or which is transmitted by the standardized access platform authorized by this law. Such independent entity shall consist of one representative from a cross section of each industry trade group included but not limited to organizations representing the motor vehicle manufacturers, aftermarket parts manufacturers, aftermarket parts distributors/retailers, independent vehicle service providers, and new car dealers. The independent entity shall manage cyber secure access to vehicle generated data, including ensuring on an ongoing basis that access to the on-board diagnostic system and platform is secure based on all applicable US and international standards.

Specifically, the entity shall:

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- Identify and adopt relevant standards required for implementation of the Maine law (anticipated to include ISO 21177, 21185, 21184 and 5616 (including compliance with regional aspect of ISO 5616)), and adopt relevant elements for accreditation and certification of organizations and system for monitoring policy compliance.
- Monitor and develop policies for the evolving use and availability of data generated by the operations of the vehicle.
- Create policies for compliance with relevant laws, regulations, standards, technologies, and best practices related to access to vehicle data

### SECTION 3.

For model year 2002 motor vehicles, including commercial and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, each manufacturer of motor vehicles sold in the State of Maine shall make available for purchase by owners and independent repair facilities all diagnostic repair tools, parts, software and components incorporating the same diagnostic, repair and wireless capabilities that such manufacturer makes available to its authorized repair shops. Such tools, parts, software and components shall incorporate the same functional repair capabilities that such manufacturer makes available to authorized repair shops. Each manufacturer shall offer such tools, parts, software and necessary components for sale to owners and to independent repair facilities upon fair and reasonable terms.

Each manufacturer shall provide diagnostic repair information to each aftermarket scan tool company and each third party service information provider with whom the manufacturer has appropriate licensing, contractual or confidentiality agreements for the sole purpose of building aftermarket diagnostic tools and third party service information publications and systems. Once a manufacturer makes such information available pursuant to this section, the manufacturer shall be considered to have satisfied its obligations under this section and thereafter not be responsible for the content and functionality of aftermarket diagnostic tools or service information systems.

For model year 2002 motor vehicles, including commercial and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, and thereafter a manufacturer of motor vehicles sold in the State of Maine shall make available for purchase by owners of motor vehicles manufactured by such manufacturer and by independent repair facilities the same diagnostic and repair information, including repair technical updates, that such manufacturer makes available to its authorized repair shops through the manufacturer's internet-based diagnostic and repair information system. Each manufacturer shall provide access to such manufacturer's diagnostic and repair information system for purchase by owners and independent repair facilities on a daily, monthly and yearly subscription basis and upon fair and reasonable terms. All parts, tools, software and other components necessary to complete a full repair of the vehicle, as referenced in this paragraph, shall be included and provided to car owners and authorized independent repair shops

For model year 2002-2017 motor vehicles, including commercial and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, access to onboard diagnostic and

repair information system shall be the same as that provided to new vehicle dealers. For model year 2018 and later motor vehicles, including commercial and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, access to the onboard diagnostic and repair information system shall be available through use of an off-the-shelf personal computer with sufficient memory, processor speed, connectivity and other capabilities as specified by the vehicle manufacturer and: (i) a non-proprietary vehicle interface device that complies with the Society of Automotive Engineers standard J2534, Society of Automotive Engineers J1939, commonly referred to as SAE J2534 and SAE J1939, the International Organization for Standardization standard 22900, commonly referred to as ISO 22900 or any successor to SAE J2534, SAE J1939 or ISO 22900 as may be accepted or published by the Society of Automotive Engineers or the International Organization for Standardization; (ii) an onboard diagnostic and repair information system integrated and entirely self-contained within the vehicle, including, but not limited to, service information systems integrated into an onboard display; or (iii) a system that provides direct access to onboard diagnostic and repair information through a non-proprietary vehicle interface, such as ethernet, universal serial bus or digital versatile disc. Each manufacturer shall provide access to the same onboard diagnostic and repair information available to their dealers, including technical updates to such onboard systems, through such non-proprietary interfaces as referenced in this paragraph. All parts, tools, software and other components necessary to complete a full repair of the vehicle, as referenced in this paragraph, shall be included and provided to car owners and authorized independent repair shops.

No later than one year from enactment of this statute, a manufacturer of motor vehicles sold in the State of Maine, including commercial and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, that utilizes a telematics system shall be required to equip such vehicles with an inter-operable, standardized and owner-authorized access platform across all of the manufacturer's makes and models. Such platform shall be capable of securely communicating all mechanical data emanating directly from the motor vehicle via direct data connection to the platform. Such platform shall be directly accessible by the owner of the vehicle through a mobile-based application and, upon the authorization of the vehicle owner, all mechanical data shall be directly accessible by an independent repair facility or a dealer licensed pursuant to 29-A Ch. 9 sec. 851(2) and (9), limited to the time to complete the repair or for a period of time agreed to by the vehicle owner for the purposes of maintaining, diagnosing and repairing the motor vehicle. Access shall include the ability to send commands to in-vehicle components if needed for purposes of maintenance, diagnostics and repair. All parts, tools, software and other components necessary to complete a full repair of the vehicle, as referenced in this paragraph, shall be included and provided to car owners and authorized independent repair shops.

Manufacturers of motor vehicles sold in the United States may exclude diagnostic, service and repair information necessary to reset an immobilizer system or security-related electronic modules from information provided to owners and independent repair facilities. If excluded under this paragraph, the information necessary to reset an immobilizer system or security-related electronic modules shall be obtained by owners and independent repair facilities through the secure data release model system as currently used by the National Automotive Service Task Force or other known, reliable and accepted systems.

**Notice to Attorney General.** If the independent entity has reason to believe that a manufacturer has violated any provision of the law, the independent entity shall notify the Attorney General. The Attorney General shall promptly institute any actions or proceedings the Attorney General considers appropriate.

**Enforcement.** The independent entity, through the Attorney General may apply to the Superior Court of any county of the State to enforce any lawful order made or action taken by the independent entity pursuant to this section. The court may issue such orders, preliminary or final, as it considers proper under the facts established before it.

#### SECTION 4.

The Attorney General is hereby directed to establish for prospective vehicle owners a motor vehicle telematics system notice that includes, but is not limited to, the following features: (i) an explanation of motor vehicle telematics and its purposes, (ii) a description summarizing the mechanical data collected, stored and transmitted by a telematics system, (iii) the prospective owner's ability to access the vehicle's mechanical data through a mobile device, and (iv) an owner's right to authorize an independent repair facility to access the vehicle's mechanical data for vehicle diagnostics, repair and maintenance purposes. The notice form shall provide for the prospective owner's signature certifying that the prospective owner has read the telematics system notice. When selling or leasing motor vehicles containing a telematics system, a dealer as defined in title 29-A Ch. 9 sec. 851(2) and (9) shall provide the motor vehicle telematics system notice to the prospective owner, obtain the prospective owner's signed certification that he or she has read the notice, and provide a copy of the signed notice to the prospective owner. A dealer's failure to comply with the provisions of this subsection shall be grounds for any action by the licensing authority relative to the dealer's license, up to and including revocation, 29-A Ch. 9 sec. 851(2) and (9).

#### SECTION 5.

Any owner or independent repair facility authorized by an owner who has been denied access to mechanical data in violation of Section 3 may initiate a civil action seeking any remedies under law. Each denial of access in violation of said subsections shall be compensable by an award of treble damages or \$10,000, whichever amount is greater.