

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to enhance, update and protect the 2013 Motor Vehicle Right to Repair Law and Consumer Rights.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------|-----------------------|------------------|
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>9/13/2018</i> |
| <i>John J. Lawn, Jr.</i> | <i>10th Middlesex</i> | <i>9/18/2018</i> |
| <i>Joan Meschino</i> | <i>3rd Plymouth</i> | <i>9/18/2018</i> |

HOUSE No.

By Mr. McMurtry of Dedham, a petition (subject to Joint Rule 12) of Paul McMurtry, John J. Lawn, Jr., and Joan Meschino relative to making changes to the motor vehicle "Right to Repair" law, so-called. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

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In the One Hundred and Ninetieth General Court
(2017-2018)
—————

An Act to enhance, update and protect the 2013 Motor Vehicle Right to Repair Law and Consumer Rights.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1 of Chapter 93K of the General Laws is hereby amended by inserting after the
2 definition of “Manufacturer” the following definition:- “Mechanical Vehicle Data”, any data in a
3 vehicle related to the diagnosis, repair or maintenance of that vehicle.

4 Section 1 of said Chapter 93K is hereby further amended by inserting after the definition
5 “Owner” the following new definition “Telematics System” Any technology that collects, stores
6 or transmits a vehicle’s diagnostic or repair information such as an electronic system in a vehicle
7 that collects and stores information generated by the operation of the vehicle and utilizes wireless
8 communications to transfer that information electronically. Such systems include, but are not
9 limited to, motor vehicle remote diagnostics, automatic airbag deployment and crash notification,
10 navigation, stolen vehicle location, remote door unlock, transmitting emergency and vehicle
11 location information to public safety answering points and any other service integrating vehicle
12 location technology and wireless communications.

13 Section 2 (d) (1) of said Chapter 93K is hereby amended by inserting at the end thereof
14 the following:-

15 Access to vehicle on-board diagnostic systems shall be standardized and not require the
16 use of any authorization, directly or indirectly, by the manufacturer. Manufacturers may utilize
17 an authorization system for access to vehicle networks and their on-board diagnostic systems that
18 is standardized and is administered by an entity unaffiliated with a manufacturer.

19 Section 3 Said Chapter 93K is hereby further amended by striking Section 2 (f) and
20 inserting in place thereof the following:-

21 (f) Commencing in model year 2020 and thereafter a manufacturer of motor vehicles sold
22 in the Commonwealth that utilizes a telematics system shall be required to equip such vehicles
23 with an inter-operable, standardized and open access platform capable of securely
24 communicating all mechanical vehicle data in a standardized format accessible by the owner or
25 lessee of the vehicle through a mobile-based application and, upon the authorization of the
26 vehicle owner, accessible by an independent motor vehicle repair facility or other entities for the
27 purposes of maintaining, diagnosing and repairing a motor vehicle. Authorization by the owner
28 or lessee of a vehicle is required for access to mechanical vehicle data for the purposes of
29 diagnosing, repairing and maintaining a motor vehicle.

30 Section 4 Section 6(a) of Chapter 93K is hereby amended by adding at the end the
31 following:- A manufacturers' failure to comply with the requirements of this act shall prohibit a
32 manufacturer from selling new motor vehicles in the Commonwealth until such time as the
33 Attorney General is satisfied that the manufacturer has cured all problems and is in full
34 compliance with this act.