

HOUSE No. 237

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

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:

Sean Garballey

DISTRICT/ADDRESS:

23rd Middlesex

HOUSE No. 237

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 237) of Sean Garballey relative to the motor vehicle right to repair law and consumer rights. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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. Section 1 of Chapter 93K of the General Laws is hereby amended by inserting
2 after the definition of “Manufacturer” the following definition:- “Mechanical Vehicle Data”, any
3 telematics data in a 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 “Telematic System” Any system in a vehicle that collects
6 and stores information generated by the operation of the vehicle utilizing wireless
7 communications to transfer that information electronically. Such systems include, but are not
8 limited to, motor vehicle remote diagnostics, automatic airbag deployment and crash notification,
9 navigation, stolen vehicle location, remote door unlock, transmitting emergency and vehicle
10 location information to public safety answering points and any other service integrating vehicle
11 location technology and wireless communications.

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

14 Access for vehicle owners and independent repair facilities to vehicle on-board
15 diagnostic systems shall be standardized and not require the use of any authorization, directly or
16 indirectly, by the manufacturer unless that authorization system for access to vehicle networks
17 and their on-board diagnostic systems is standardized across all makes and models sold in the
18 Commonwealth 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 2022 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 across all makes and models that
24 is capable of securely communicating all telematics vehicle data in a standardized format via
25 direct data connection to the platform. Said platform shall be directly accessible by the owner or
26 lessee of the vehicle through a mobile-based application and upon the authorization of the
27 vehicle owner or lessee, all mechanical data shall be directly accessible by an independent motor
28 vehicle repair facility or a class 1 dealer licensed pursuant to Section 58 of Chapter 140 limited
29 to the time to complete the repair or for a period of time agreed to by the vehicle owner or lessee
30 for the purposes of maintaining, diagnosing and repairing the motor vehicle. Access also shall
31 include the ability to send commands to in-vehicle components if needed for purposes of
32 maintenance, diagnostics and repair. All data collected by the telematic system is exclusively
33 owned by the motor vehicle owner.

34 Section 4. Said Chapter 93K is hereby further amended by adding after clause (f) the
35 following:

36 (g) The Attorney General is hereby directed to establish a consumer motor vehicle
37 telematic system notice that includes, but is not limited to, (i) explaining what is motor vehicle
38 telematics, (ii) the data collected and stored by the telematic system, (iii) the capability of the
39 consumer to access the vehicle's telematic data through a mobile device and (iv) that an
40 independent repairer with the permission of the consumer, can access the telematic mechanical
41 repair information for vehicle repair purposes. Said notice shall contain a consumer signature
42 section specifying that the consumer has read the telematic consumer system notice form and a
43 section that provides the consumer the capability to assent or prohibit all telematic system data
44 generated by the telematic system being transmitted from the consumer's vehicle to the vehicle
45 manufacturer. The consumer notice shall also inform the consumer that they may amend their
46 signed consumer telematic system notice by visiting any new car dealership that sells the
47 consumer's vehicle brand or using an online mobile application.

48 Section 5. Said Chapter 93K is hereby further amended by adding the following clause:-
49 (h) A class 1 or class 2 dealer licensed pursuant to Chapter 140 Section 58 of the General Laws
50 shall when selling a vehicle containing a telematic system provide the consumer the motor
51 vehicle telematics system notice to be read and signed by the consumer and provide a copy of the
52 signed notice to the consumer.

53 Section 6. Section 6(a) of Chapter 93K is hereby amended by adding at the end the
54 following:- A manufacturer's failure to comply with the requirements of this act shall prohibit a
55 manufacturer from selling new motor vehicles in the Commonwealth until such time as the

56 Attorney General is satisfied that the manufacturer has cured all problems and is in full
57 compliance with this act.