SENATE DOCKET, NO. 645 FILED ON: 1/15/2019

SENATE . . . . . No. 148

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

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:	
Barry R. Finegold	*Second Essex and Middlesex*	
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	*1/30/2019*
Jason M. Lewis	*Fifth Middlesex*	*1/31/2019*
Julian Cyr	*Cape and Islands*	*2/1/2019*
David Allen Robertson	*19th Middlesex*	*2/1/2019*
Nick Collins	*First Suffolk*	*4/10/2019*

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SENATE . . . . . No. 148

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 148) of Barry R. Finegold, Rebecca L. Rausch, Jason M. Lewis, Julian Cyr and others for legislation to enhance, update and protect the 2013 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:

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

Section 1 of said chapter 93K is hereby further amended by inserting after the definition of "Owner" the following definition:- "Telematic System", any system in a vehicle that collects and stores information generated by the operation of the vehicle utilizing wireless communications to transfer that information electronically. Such systems include, but are not limited to, motor vehicle remote diagnostics, automatic airbag deployment and crash notification, navigation, stolen vehicle location, remote door unlock, transmitting emergency and vehicle

location information to public safety answering points and any other service integrating vehicle location technology and wireless communications.

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

Access for vehicle owners and independent repair facilities to vehicle on-board diagnostic systems shall be standardized and not require the use of any authorization, directly or indirectly, by the manufacturer unless that authorization system for access to vehicle networks and their on-board diagnostic systems is standardized across all makes and models sold in the Commonwealth and is administered by an entity unaffiliated with a manufacturer.

SECTION 3. Said chapter 93K is hereby further amended by striking section 2(f) and inserting in place thereof the following:-

(f) Commencing in model year 2022 and thereafter a manufacturer of motor vehicles sold in the Commonwealth that utilizes a telematics system shall be required to equip such vehicles with an inter-operable, standardized and open access platform across all makes and models that is capable of securely communicating all telematics vehicle data in a standardized format via direct data connection to the platform. The platform shall be directly accessible by the owner or lessee of the vehicle through a mobile-based application and upon the authorization of the vehicle owner or lessee, all mechanical data shall be directly accessible by an independent motor vehicle repair facility or a class 1 dealer licensed pursuant to Section 58 of Chapter 140 limited to the time to complete the repair or for a period of time agreed to by the vehicle owner or lessee for the purposes of maintaining, diagnosing and repairing the motor vehicle. Access also shall include the ability to send commands to in-vehicle components if needed for purposes of

maintenance, diagnostics and repair. All data collected by the telematic system is exclusively owned by the motor vehicle owner.

SECTION 4. Said section 2 of chapter 93K is hereby further amended by adding after clause (f) the following clause:

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

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

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