

HOUSE No. 3450

The Commonwealth of Massachusetts

PRESENTED BY:

Lori A. Ehrlich and David F. DeCoste

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 relative to increasing operational safety for keyless ignition technology in motor vehicles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/29/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/29/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/1/2021</i>

HOUSE No. 3450

By Representatives Ehrlich of Marblehead and DeCoste of Norwell, a petition (accompanied by bill, House, No. 3450) of Lori A. Ehrlich, David F. DeCoste and Vanna Howard relative to increasing operational safety for keyless ignition technology in motor vehicles. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4113 OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to increasing operational safety for keyless ignition technology in motor vehicles.

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. Chapter 90 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 63. (a) For the purposes of this section, the following terms shall have the
4 following meanings:-

5 “Dealer,” as defined in section 1.

6 “Key,” as defined in 49 C.F.R. section 571.114.

7 “Key code carrying device,” a physical device which is capable of electronically
8 transmitting a key code to the vehicle starting system without physical connection, other than its
9 presence in the vehicle, between the device and the vehicle.

10 “Keyless ignition device,” a physical device which is capable of electronically
11 transmitting a key code to the vehicle starting system without physical connection, other than its
12 presence in the vehicle, between the device and the vehicle.

13 “Manufacturer,” as defined in section 1.

14 “Motor vehicle,” as defined in section 1, provided that “motor vehicle” shall not include:
15 (i) motorcycles, as defined in said section 1; (ii) trailers, as defined in said section 1; or (iii) any
16 motor vehicle that is rated at more than 10,000 of gross vehicular weight.

17 “Registrar,” the registrar of motor vehicles.

18 “Rental company,” as defined in section 32E1/2.

19 “Secretary,” the secretary of the department of transportation.

20 (b) Any manufacturer distributing motor vehicles intended for sale in the
21 commonwealth shall: (i) install technology in each motor vehicle equipped with a keyless
22 ignition device and an internal combustion engine to automatically shut off the motor vehicle
23 after the motor vehicle has idled for a designated period determined by the registrar in
24 consultation with the secretary pursuant to subsection (e); and (ii) install external warning
25 technology that warns the operator if the key or key code carrying device has been taken outside
26 of the motor vehicle while the engine is still running.

(c) Any dealer selling or leasing motor vehicles in the commonwealth shall not sell or lease a new or used motor vehicle equipped with a keyless ignition device and an internal combustion engine if the motor vehicle is not equipped with technology to automatically shut off the motor vehicle after the motor vehicle has idled for a designated period determined by the registrar in consultation with the secretary pursuant to subsection (e), or external warning technology that warns the operator if the key or key code carrying device has been taken outside of the motor vehicle while the engine is still running. Any dealer that intends to sell or lease a new or used motor vehicle equipped with a keyless ignition device and an internal combustion engine that is not equipped with said technology shall install said technology in the motor vehicle to automatically shut off the motor vehicle after the motor vehicle has idled for a designated period to be determined by the registrar in consultation with secretary pursuant to subsection (e) and shall install said external warning technology that warns the operator if the key or key code carrying device has been taken outside of the motor vehicle while the engine is still running prior to making the motor vehicle available for sale or lease.

(d) Any rental company renting motor vehicles in the commonwealth shall not rent to an individual a motor vehicle equipped with a keyless ignition device and an internal combustion engine if the motor vehicle is not equipped with technology to automatically shut off the motor vehicle after the motor vehicle has idled for a designated period determined by the registrar in consultation with secretary pursuant to subsection (e) and external warning technology that warns the operator if the key or key code carrying device has been taken outside of the motor vehicle while the engine is still running. Rental companies shall notify individuals that the motor vehicle they are seeking to rent is equipped with a keyless ignition device and shall explicitly instruct the individual on the operation of the keyless ignition device which shall include, but not

be limited to: (i) operation of technology to automatically shut off the motor vehicle after the motor vehicle has idled; and (ii) technology installed in the vehicle to warn the operator that the engine is on after departing the vehicle.

(e) The registrar in consultation with the secretary shall establish a designated period after which a motor vehicle shall automatically shut off pursuant to this section, which shall include, but shall not be limited to, a period of time as necessary to prevent carbon monoxide poisoning. The registrar may designate different periods for different types of motor vehicles, depending on the rate at which the motor vehicle emits carbon dioxide, and if requiring a different period for a type of motor vehicle is consistent with the prevention of carbon monoxide poisoning.

(f) Individuals who purchase a motor vehicle found to be in violation of subsections (b), (c), and (d) shall receive protections and shall be eligible to seek remedies established under section 7N through section 7N1/2, inclusive.

(g) Failure to comply with subsections (b), (c) or (d) shall constitute an unfair or deceptive act under chapter 93A, and the attorney general may promulgate regulations detailing unfair or deceptive methods, acts or practices that constitute violations of said subsections (b), (c) or (d). The undersecretary of consumer affairs and business regulation shall notify the office of the attorney general of any method, act, or practice that the undersecretary determines to be a violation of this section.

SECTION 2. Section 7A of said chapter 90, as appearing in the 2018 Official Edition, is hereby amended by inserting after the fifth paragraph the following paragraph:-

71 The registrar shall establish rules and regulations providing for the inclusion of keyless
72 ignition devices as part of the initial and annual motor vehicle inspection for motor vehicles
73 manufactured after January 1, 2021, pursuant to this section, provided that the rules and
74 regulations shall include, but shall not be limited to: (i) the identification of if the motor vehicle
75 has a keyless ignition device; (ii) the identification of if the motor vehicle with a keyless ignition
76 device is equipped with automatic shut off technology required pursuant to section 63; (iii) the
77 identification of if the motor vehicle with a keyless ignition device is equipped with external
78 warning technology that warns the operator if the key or key code carrying device has been taken
79 outside of the motor vehicle while the engine is still running required pursuant to said section 63;
80 and (iv) safety inspection requirements for the functionality of the keyless ignition device,
81 automatic shut off technology, and external warning technology.

82 SECTION 3. Clause (b) of the first paragraph of section 7V of said chapter 90, as so
83 appearing, is hereby amended by striking out, in line 15, the word “and”.

84 SECTION 4. Said first paragraph of said section 7V of said chapter 90, as so appearing,
85 is hereby further amended by striking out, in line 20, the word “fee.” and inserting in place
86 thereof the following words: - fee; and

87 (d) The requirement that all motor vehicles failing to comply with the provisions of
88 section 63 or vehicles with present safety issues of concern related to the keyless ignition device,
89 automatic shut off technology, or external warning technology as established by the registrar
90 pursuant to section 7A shall be issued a certificate of rejection indicating that the motor vehicle
91 has failed the safety inspection as required by said section 7A.

92 SECTION 5. Sections 1 through 4, inclusive, of this act shall take effect 2 years
93 following the date of its passage.