

SENATE No. 2638

The Commonwealth of Massachusetts

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

SENATE, February 2, 2022.

The committee on Transportation, to whom was referred the petition (accompanied by bill, Senate, No. 2298) of Brendan P. Crighton, Lori A. Ehrlich and David F. DeCoste for legislation to increase operational safety for keyless ignition technology in motor vehicles, reports the accompanying bill (Senate, No. 2638).

For the committee,
John F. Keenan

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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 dealer that intends to sell or lease a new or used motor vehicle equipped with a
21 keyless ignition device and an internal combustion engine that is not equipped with technology
22 to automatically shut off the motor vehicle after the motor vehicle has idled for a designated
23 period as determined by the US Department of Transportation shall install said technology in the
24 motor vehicle prior to making the motor vehicle available for sale or lease.

25 (c) Any rental company renting motor vehicles in the commonwealth shall not rent to an
26 individual a motor vehicle equipped with a keyless ignition device and an internal combustion
27 engine if the motor vehicle is not equipped with technology to automatically shut off the motor
28 vehicle after the motor vehicle has idled for a designated period determined by the US
29 Department of Transportation . Rental companies shall notify individuals that the motor vehicle
30 they are seeking to rent is equipped with a keyless ignition device and shall explicitly instruct the
31 individual on the operation of the keyless ignition device which shall include, but not be limited
32 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.

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

(e) Failure to comply with subsection (b) 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). 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:-

The registrar shall establish rules and regulations providing for the inclusion of keyless ignition devices as part of the initial and annual motor vehicle inspection for motor vehicles manufactured after January 1, 2024, pursuant to this section, provided that the rules and regulations shall include, but shall not be limited to: (i) the identification of if the motor vehicle has a keyless ignition device; (ii) the identification of if the motor vehicle with a keyless ignition device is equipped with automatic shut off technology required pursuant to section 63; (iii) the identification of if the motor vehicle with a keyless ignition device is equipped with 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 required pursuant to said section 63;

and (iv) safety inspection requirements for the functionality of the keyless ignition device, automatic shut off technology, and external warning technology.

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

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

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

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