

**SENATE . . . . . No. 133**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Sal N. DiDomenico***

*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:	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/30/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/8/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/8/2019</i>

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By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 133) of Sal N. DiDomenico, Rebecca L. Rausch, Patricia D. Jehlen, 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.

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**The Commonwealth of Massachusetts**

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**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  
2 inserting after the definition of “Manufacturer” the following definition:-

3 “Mechanical Vehicle Data”, any telematics data in a vehicle related to the diagnosis,  
4 repair or maintenance of that vehicle.

5 Section 1 of chapter 93K is hereby further amended by inserting after the definition  
6 “Owner” the following new definition:-

7 “Telematic System,” any system in a vehicle that collects and stores information  
8 generated by the operation of the vehicle utilizing wireless communications to transfer that  
9 information electronically. Such systems include, but are not limited to, motor vehicle remote  
10 diagnostics, automatic airbag deployment and crash notification, navigation, stolen vehicle

11 location, remote door unlock, transmitting emergency and vehicle location information to public  
12 safety answering points and any other service integrating vehicle location technology and  
13 wireless communications.

14 SECTION 2. Section 2 (d) (1) of chapter 93K is hereby amended by inserting at the end  
15 thereof the following:- Access for vehicle owners and independent repair facilities to vehicle on-  
16 board diagnostic systems shall be standardized and not require the use of any authorization,  
17 directly or indirectly, by the manufacturer unless that authorization system for access to vehicle  
18 networks and their on-board diagnostic systems is standardized across all makes and models sold  
19 in the Commonwealth and is administered by an entity unaffiliated with a manufacturer.

20 SECTION 3. Section 2 of chapter 93K is hereby further amended by striking subsection  
21 (f) and inserting in place thereof the following subsections:-

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

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

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

47 (h) A class 1 or class 2 dealer licensed pursuant to Chapter 140 Section 58 of the General  
48 Laws shall when selling a vehicle containing a telematic system provide the consumer the motor  
49 vehicle telematics system notice to be read and signed by the consumer and provide a copy of the  
50 signed notice to the consumer.

51 SECTION 4. Section 6(a) of chapter 93K is hereby amended by adding at the end the  
52 following:- A manufacturer's failure to comply with the requirements of this act shall prohibit a  
53 manufacturer from selling new motor vehicles in the Commonwealth until such time as the

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