

The Commonwealth of Massachusetts

An Initiative Law to Enhance, Update and Protect the 2013 Motor Vehicle Right to Repair Law

Be it enacted by the People and by their authority,

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 data”, any vehicle-specific data, including telematics system data, generated, stored in or transmitted by a motor vehicle used for or otherwise related to the diagnosis, repair or maintenance of the vehicle.

Section 1 of said Chapter 93K is hereby further amended by inserting after the definition of “Owner” the following new definition:—

“Telematics system,” any system in a motor vehicle that collects information generated by the operation of the vehicle and transmits such information, in this chapter referred to as “telematics system data,” utilizing wireless communications to a remote receiving point where it is stored.

SECTION 2. Section 2 (d) (1) of Chapter 93K is hereby amended by inserting at the end thereof the following new paragraph:

1. <u>TSH</u>	4. <u>JAP</u>	7. <u>ADC</u>	10. <u>EP</u>	13. <u>CV</u>	16. <u>NON</u>
2. <u>MDW</u>	5. <u>BN</u>	8. <u>SL</u>	11. <u>MR</u>	14. <u>DM</u>	17. _____
3. <u>XRW</u>	6. <u>MPP</u>	9. <u>LY</u>	12. <u>Joh</u>	15. <u>va</u>	18. _____

Notwithstanding anything in the preceding paragraph, motor vehicle owners' and independent repair facilities' access to vehicle on-board diagnostic systems shall be standardized and not require any authorization by the manufacturer, directly or indirectly, unless the 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 subsection (f) of Section 2 and inserting in place thereof the following: —

(f) Commencing in model year 2022 and thereafter a manufacturer of motor vehicles sold in the Commonwealth, including heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, that utilizes a telematics system shall be required to equip such vehicles with an inter-operable, standardized and open access platform across all of the manufacturer's makes and models. Such platform shall be capable of securely communicating all mechanical data emanating directly from the motor vehicle via direct data connection to the platform. Such platform shall be directly accessible by the owner of the vehicle through a mobile-based application and, upon the authorization of the vehicle owner, all mechanical data shall be directly accessible by an independent 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 for the

1. TJH	4. JTD	7. JDC	10. JG	13. CV	16. JCR
2. MDW	5. JJC	8. JLC	11. MR	14. DM	17. _____
3. JAW	6. MFB	9. JG	12. JG	15. KA	18. _____

purposes of maintaining, diagnosing and repairing the motor vehicle. Access shall include the ability to send commands to in-vehicle components if needed for purposes of maintenance, diagnostics and repair.

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

(g) The Attorney General is hereby directed to establish for prospective vehicle owners a motor vehicle telematics system notice that includes, but is not limited to, the following features: (i) an explanation of motor vehicle telematics and its purposes, (ii) a description summarizing the mechanical data collected, stored and transmitted by a telematics system, (iii) the prospective owner's ability to access the vehicle's mechanical data through a mobile device, and (iv) an owner's right to authorize an independent repair facility to access the vehicle's mechanical data for vehicle diagnostics, repair and maintenance purposes. The notice form shall provide for the prospective owner's signature certifying that the prospective owner has read the telematics system notice.

(h) When selling or leasing motor vehicles containing a telematics system, a dealer holding a class 1 or class 2 license as defined in section 58 of chapter 140 shall provide the motor vehicle telematics system notice to the prospective owner, obtain the prospective owner's signed certification that he or she has read the notice, and provide a

1. <u>TJH</u>	4. <u>[Signature]</u>	7. <u>[Signature]</u>	10. <u>[Signature]</u>	13. <u>[Signature]</u>	16. <u>[Signature]</u>
2. <u>MDW</u>	5. <u>[Signature]</u>	8. <u>[Signature]</u>	11. <u>[Signature]</u>	14. <u>[Signature]</u>	17. _____
3. <u>[Signature]</u>	6. <u>[Signature]</u>	9. <u>[Signature]</u>	12. <u>[Signature]</u>	15. <u>[Signature]</u>	18. _____

copy of the signed notice to the prospective owner. A dealer's failure to comply with the provisions of this subsection shall be grounds for any action by the licensing authority relative to the dealer's license, up to and including revocation, pursuant to section 59 of chapter 140.

SECTION 5. Section 6 of Chapter 93K is hereby amended by adding at the end the following—

(e) Notwithstanding subsections (b) and (c), any owner or independent repair facility authorized by an owner who has been denied access to mechanical data in violation of subsections (d)(1) or (f) of section 2 may initiate a civil action seeking any remedies under law, including any remedy authorized by chapter 93A. Each denial of access in violation of said subsections shall be compensable by an award of treble damages or \$10,000, whichever amount is greater.

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1. <u>TSH</u>	4. <u>[Signature]</u>	7. <u>SAC</u>	10. <u>[Signature]</u>	13. <u>AV</u>	16. <u>mir</u>
2. <u>MDW</u>	5. <u>[Signature]</u>	8. <u>[Signature]</u>	11. <u>MR</u>	14. <u>[Signature]</u>	17. _____
3. <u>[Signature]</u>	6. <u>MPB</u>	9. <u>[Signature]</u>	12. <u>[Signature]</u>	15. <u>[Signature]</u>	18. _____

Pursuant to Article 48 of the articles of amendment of the Constitution of the Commonwealth of Massachusetts, as amended by Article 74 of said articles of amendment, the undersigned qualified voters of the Commonwealth of Massachusetts hereby submit the foregoing measure for approval by the people.

1) [Signature]

2) Michael D Williams

3) [Signature]

4) [Signature]

5) [Signature]

6) Mary L. Brennan

7) John Caldwell Jr.

8) [Signature]

9) [Signature]

10) [Signature]

11) Mark Reed

12) Jeffrey J. Haggerty

13) Carl Wells

14) [Signature]

15) [Signature]

16) Michael J. King Jr.

17) _____

18) _____