

December 20, 2024

Public Comment to the Right to Repair Working Group

Good afternoon, Chair Taub and the Right to Repair Working Group members. My name is Representative Tiffany Roberts, and I represent House District 149. As a two-term chair of the Innovation, Development, Economic Advancement, and Business Committee (IDEA-B) and current member of the newly merged Housing and Economic Development Committee (HED) that will receive this report, I sincerely appreciate this opportunity to provide comment on the draft report and statutory recommendations from this group. I have also appreciated the conversations the group has had and questions that have been asked. Both the conversations, questions and draft language initiated a deeper dive on my end, to gain further knowledge on the state and federal level. I will however express a little confusion and concern on transparency on the process today. We are in a situation where a draft report and language were sent to the IP list, to solicit public comment and feedback, yet that same language has been discussed, in the context of further revisions, before the group heard the comments solicited. Not only does that potentially create additional work and discussion for you all, but is not in the spirit of a transparent process, especially to anyone who could not be here, and has or is submitting comments online. It is akin to having a work session in committee before the public hearing on a bill.

While the report addresses recommendations around formation of the entity, it's missing other key elements in the charge of the working group in relation to the entity. To be more specific, the report has really only addressed "A" and lightly on "B". "C - E" have been touched on in individual comments, but not addressed as a group, and even those comments are being questioned. I would urge the group to look at each stakeholder's comment in context of the statutory charge. Without doing so, the overarching statute, while well-intentioned, is rife with ambiguities, potential conflicts with federal oversight, and cybersecurity risks. Despite its detailed assessment, the draft report underscores the challenges in implementing a framework that balances consumer rights, industry practices, and emerging federal standards. I would like to break my comments down into digestible sections.

The Misalignment of Telematics Access with Current Repair Needs

The law's telematics access provisions are a cornerstone of the debate, but their necessity and practicality are questionable. As outlined in the GAO's report, most vehicle repairs today do not require telematics data; essential diagnostic information is already accessible through onboard diagnostic (OBD) ports. This raises a fundamental question: why does Maine's law emphasize telematics access when the industry and repair stakeholders agree it is not currently essential?

Furthermore, automakers in Massachusetts have disabled telematics functionality entirely, to avoid litigation over similar statutory language. If Maine proceeds without addressing these

ambiguities, we risk replicating these outcomes—disabling telematics systems entirely, thereby failing to deliver on the promises made to voters.

Cybersecurity and Privacy: Key Oversights

The Bureau of Industry and Security (BIS) and the National Highway Traffic Safety Administration (NHTSA) have repeatedly highlighted the risks inherent in telematics and connected vehicle systems. These risks include:

1. **Unauthorized Access and Data Breaches:** Telematics systems create multiple access points for malicious actors, who could compromise vehicle control systems or exfiltrate sensitive consumer data, such as location and usage patterns.
2. **Potential for Systemic Failures:** Poorly secured telematics platforms could enable wide-scale attacks on vehicle fleets, disrupting critical infrastructure or public safety.

While federal efforts, including the Repair Act, aim to establish cybersecurity and privacy standards, Maine's law lacks comparable provisions. This absence leaves consumers and repair facilities vulnerable to the very risks federal agencies are striving to mitigate.

Ambiguities in the Role of the Independent Entity

The draft report proposes an advisory role for the independent entity but needs more clarity on its necessity or added value. Current law already grants enforcement authority to the Attorney General, and manufacturers are obligated to comply with existing access provisions. Adding an independent advisory body seems redundant unless it can offer unique, tangible benefits.

Moreover, the law's inclusion of a private right of action introduces further complexity. Even if the Attorney General issues guidance, private parties retain the ability to sue under the law, perpetuating uncertainty for manufacturers and repair facilities alike. This scenario has already played out in Massachusetts, where litigation continues to hinder implementation.

Concerns from Dealers and Industry Stakeholders

Auto dealers have raised valid concerns about the lack of clear standards governing independent repair facilities. These include:

- **Training and Certification:** There are no requirements ensuring that technicians accessing sensitive vehicle systems are adequately trained or certified, potentially exposing consumers to subpar repairs and cybersecurity risks. This speaks to some of Mr. Quirk's questions. Because this statutory language falls under both commerce and national defense, answers come from different places. My hope was to identify if it is the OEM or federal guidance or law that dealerships are subject to, to suggest a similar potential regulatory path. This is one part I have not yet flushed out.

- **Ambiguous Definitions:** The law lacks a customary definitions section and fails to define key terms such as "independent repair facility," leaving open questions about accountability and oversight. Other definitions that are missing include but are not limited to:
 - Standardized Platform
 - Telematics
 - Diagnostic and Repair Information
 - Vehicle (are cars in a rental car fleet included)
 - Securely Communicating
 - Vehicle Owner
 - Owner Authorization
 - Mobile Based Application
 - Reliable and Accepted Systems

Federal Preemption and Regulatory Conflicts

Maine's law faces potential preemption issues, particularly as federal agencies like the NHTSA and the FTC expand their oversight of vehicle data access and cybersecurity. For example:

1. **The Federal Repair Act:** This pending legislation emphasizes standardized access platforms, privacy safeguards, and federal oversight—areas where Maine's law is vague or silent.
2. **Existing Federal Mandates:** NHTSA has made it clear that any access to telematics must be designed with robust cybersecurity protections to prevent unauthorized system access. Maine's law lacks these essential safeguards, creating potential conflicts.

Recommendations for Moving Forward

To address these significant challenges, I ask the group to consider the following before a final report is due in February:

1. **Delay the Implementation of Telematics Provisions:** Suspend Section 1810(6) until a comprehensive evaluation can determine whether telematics access is genuinely necessary for repairs.
2. **Strengthen Cybersecurity and Privacy Protections:** Align Maine's law with federal standards, incorporating mandatory safeguards to protect consumer data and vehicle systems from cyberattacks.
3. **Reevaluate the Role of the Independent Entity:** Consider whether its proposed advisory role adds sufficient value or if existing enforcement mechanisms suffice.
4. **Clarify Key Definitions and Standards:** Define terms like "independent repair facility" and establish minimum training and certification requirements for technicians accessing sensitive vehicle systems.
5. **Coordinate with Federal Efforts:** Engage with NHTSA, BIS, and FTC to ensure Maine's law complements rather than conflicts with emerging national frameworks.

In conclusion, the draft report highlights the challenges in implementing Maine's Right to Repair law, but it stops short of addressing its foundational flaws. The IDEA committee in the 131st established, in the enabling statute for this group, a report back deadline in February. This was in recognition of the complexity of the topic, charge, and significant discussions, decisions and ideally consensus that would be undertaken. With that said, we are at a point in the timeframe that will still allow the group to further evaluate comments and discussion today, research points of concern, and address them in a revised report, with an additional public comment period, which has already been alluded to. The committee receiving this report will require clarity, on what is already a complex topic, especially for new members. This includes structured, actionable recommendations that will allow for responsible and pragmatic policy evaluation and execution. Without clearer guidance, stronger protections, and alignment with federal standards, the law risks creating more problems than it solves—for consumers, manufacturers, and repair facilities alike.

Thank you for your time, and I look forward to continuing this critical discussion.

Testimony by FleetPride, Inc.

On Maine Revised Statutes, Title 29-A, section 1810, Right to Repair

Before the Automotive Right to Repair Working Group

December 20, 2024

Respected Members of the Automotive Right to Repair Working Group, my name is Baron Oursler. I'm the Senior Vice President and General Counsel of FleetPride.

FleetPride is the nation's largest distributor of truck and trailer parts and service in the independent commercial heavy-duty aftermarket. We have over 4,700 employees across more than 300 locations in 47 states, including a parts and service center located in Scarborough, Maine.

We take great pride in saying, *FleetPride Keeps the Country Running* — because that is exactly what we do. Americans' livelihoods depend upon the goods and services made available by the over nine (9) million vehicles in the commercial trucking industry, which includes vehicles with a gross vehicle weight over 14,000 pounds. From ensuring timely delivery of food and supplies consumers rely upon, to ensuring delivery of the packages they ship, to performing the services they require, the commercial trucking industry plays a vital role in Maine's, as well as the nation's, supply chain. FleetPride's customers include state and local governments, food distributors, health care service and waste management providers, trucking and freight transportation and oil and gas field service providers, retailers, as well as members of the construction, agriculture, transportation and warehousing industries. Each of these relies on the ability to utilize independent mechanics and aftermarket parts to keep commercial motor vehicle maintenance affordable and efficient.

While true that commercial trucks have a multitude of applications and configurations, we respectfully submit that the population of providers of maintenance and repair is far less numerous and diverse. Indeed, during its warranty period, a given make of truck – such as a Peterbilt or Freightliner – will be serviced by, respectively, a Peterbilt or Freightliner dealer, regardless of its configuration, application, engine type or any diversity among its other component manufacturers. The commercial vehicle aftermarket has historically had access to repair and maintenance data necessary to provide service to these and other trucks throughout the remainder of such trucks' useful lives. Advances in technology are raising new challenges for access to in-vehicle data that did not exist previously and present an existential threat to independent shops. Manufacturers are now building proprietary firewalls around their on-board diagnostic systems. This has not, however, served to deprive the dealer network of their ability to repair and maintain these vehicles. Absent access to systems and vehicle data transmitted through telematics, independent repair shops will be prevented from providing a service countless Americans have relied upon since shortly after the very first truck rolled off the assembly line.

Creating more concentration among the dealer network results in higher repair prices and holds the economy back – right to repair helps independent shops compete for our customers' business. Beyond ensuring a healthy competitive landscape, right to repair is critical for affordability, accessibility and a vibrant supply chain –

- In terms of affordability, on average, the same repairs performed by dealerships cost considerably more than those done by independent shops – right to repair means lower cost to operate, which means lower prices to consumers.
- In terms of accessibility, being confined to the dealer network restricts access to necessary repairs and maintenance – right to repair ensures commercial trucks have more convenient suitable options.

- In terms of supply chain, backlogged work at dealerships means increased time for completion of repairs – right to repair means trucks can get fixed faster and back on the road sooner.

The right to repair law provides independent repair facilities with access to critical vehicle diagnostic and repair data, authorized by the vehicle owner, without restrictions imposed by the manufacturers. As a business that relies on a thriving aftermarket for our livelihood, this legislation protects our future.

This law is critically important to our industry because it will afford commercial vehicle owners the ability to more effectively manage repairs and maintenance, improving commercial vehicle uptime. As we have learned in the recent past and continue to learn daily, keeping these commercial vehicles running is imperative to a healthy and robust supply chain, and the right to repair law will ensure that trucks in Maine can continue to operate unimpeded by technological advancements.

For all of these reasons, we respectfully ask the Working Group to continue to honor the will of Maine voters in developing recommendations for legislation to establish an entity with rulemaking and enforcement authority to adopt standards governing access to the telematics systems of “all motor vehicles, *including commercial motor vehicles and heavy-duty vehicles having a gross vehicle weight rating of more than 14,000 pounds[.]*”

Thank you.

Baron T. Oursler
Senior Vice President, General Counsel
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January 1, 2025

Office of the Maine Attorney General
6 State House Station
Augusta, ME 04333

Dear Ms. Bonish:

The Auto Care Association is the voice of the auto and trucking care business, a more than \$400 billion industry comprised of more than 4.9 million American workers that represents over 2% of the GDP in the United States. We are a national trade association that serves the entire supply chain of the automotive and trucking aftermarket: more than 536,000 businesses that manufacture, distribute, and sell motor vehicle parts, accessories, tools, equipment, materials and supplies, and perform vehicle service, maintenance, and repair for the nation's 292 million registered motor vehicles. The businesses we represent include more than 280,000 repair facilities and 915,000 technicians nationwide. In Maine alone, the aftermarket represents over 9,000 jobs and \$1.1B in economic activity.

In November 2023, the citizens of Maine took the common-sense step to preserve consumer access to high-quality and affordable vehicle repairs by approving Referendum Question 4, *An Act Regarding Automotive Right to Repair*. This law ensures that consumers and their repairers of choice have safe, secure, and equal access to repair and maintenance data and protects consumers' preferred choices in vehicle repair. Car owners appreciate independent repair shops for their "trustworthiness, reasonable prices, knowledgeable mechanics, and good reputation." <https://www.consumerreports.org/cars/car-repair-shops/car-repair-shop-survey-chains-dealers-independents-a1071080370/>.

While more than 70% of after warranty vehicle repairs occur at independent repair shops, where repairs are approximately 36% less expensive than repairs conducted at dealerships, vehicle technology advancements are threatening to shut out these businesses, eliminating consumer choice and price competitiveness in the marketplace. The Maine law provides independent repair shops with the rights to critical vehicle diagnostic and repair data, authorized by the vehicle owner, without restrictions imposed by the manufacturers. For the businesses that rely on a thriving aftermarket for their livelihoods, this law protects their ability to continue to provide affordable and accessible automotive repairs to your constituents.

During its Second Regular Session, the 131st Legislature enacted LD 2289, *Resolve, to Establish an Automotive Right to Repair Working Group*. This resolve directed the Attorney General to "convene a working group to develop recommendations for legislation to establish an entity with rule-making and enforcement authority to adopt standards governing access to motor

vehicle telematics systems and to otherwise implement and enforce the requirements” of section 1810. Rather than focus on implementation of the law and the establishment of an entity, the automotive manufacture representatives have attempted to use the process to challenge and delay the law that was passed over a year ago. Among other things, the manufacturers have used the working group’s time to advocate for delaying the implementation of the law for another year, amending the law passed overwhelmingly by the voters to remove heavy duty vehicles, adding detrimental and costly burdens to independent repair shops that do not exist today, and vaguely referring to incorporation of federal law into the Maine law.

What should be clear from the manufacturers’ arguments is their steadfast refusal to comply with or even attempt to comply with the Maine right to repair law. These actions, which would be misleading enough standing alone, are particularly hypocritical considering the extensive amount of data manufacturers collected during this same period and shared with third parties for profit. Earlier this year, *The New York Times* published an investigation into General Motors’ practice of sharing vehicle owners’ data, including driving performance, to insurance companies — without their consent. [Automakers Are Sharing Consumers’ Driving Behavior With Insurance Companies - The New York Times](#) In addition to the privacy issues this practice highlights, according to Mozilla, few of the manufacturers collecting this data comply with basic security practices. Mozilla, “It’s Official: Cars Are the Worst Product Category We Have Ever Reviewed for Privacy,” Jen Caltrider, Misha Rykov, and Zoë MacDonald, September 6, 2023 <https://foundation.mozilla.org/en/privacynotincluded/articles/its-official-cars-are-the-worst-product-category-we-have-ever-reviewed-for-privacy/>

By their own admission, manufacturers are monetizing the data they collect. Earlier this year, Auto Innovators, representing the manufacturers, filed comments with the Bureau of Industry and Security (“BIS”) in its *Securing the Information and Communications Technology and Services Supply Chain: Connected Car Advance Notice of Proposed Rulemaking* (“ANPRM”). In their comments, the manufacturers explicitly state that today they (i) wirelessly transmit data from their vehicles; (ii) they control such data; and (iii) they unilaterally determine which third parties get access to the data and under what terms. <https://www.regulations.gov/comment/BIS-2024-0005-0041>

As recently summarized in a letter to the CEOs of major auto manufacturers, a bi-partisan group of United States Senators stated “[w]e are particularly disturbed by the automakers’ hypocrisy regarding data sharing. The industry has raised concerns about data sharing with independent repair shops to justify opposing right-to-repair, while earning profits from sharing large amounts of personal data with insurance companies.” e.g. *Letter to Jim D. Farley, Jr., Ford Motor Company, from Senators Warren, Hawley and Merkley, 12/19/24.*

The job of the working group is to offer advice and counsel regarding the establishment of the entity to monitor compliance with section 1810. The Attorney General’s office has done an admiral job in establishing and operating the working group and has produced what in most

respects is a strong recommendation. Auto Care Association respectfully requests that the Attorney General's office reject any suggestions by the manufacturers that the Legislature delay the law, remove heavy duty vehicles from the Law, or that the report include the list of unnecessary items under the heading "Other Recommendations."

Please let me know if I can answer any questions or provide further information.

Sincerely,

Lisa Foshee

SVP – Government Affairs and General Counsel
Lisa.Foshee@autocare.org
(240) 333-1020



December, 30 2024

Office of the Maine Attorney General
6 State House Station
Augusta, ME 04333

LKQ Corporation would like to commend the Maine Automotive Right to Repair Working Group on their hard work in reaching a consensus on many issues in their draft report relating to the Right to Repair Ballot Initiative. The group was created to develop recommendations for legislation to establish an entity with rulemaking and enforcement authority to adopt standards governing access to motor vehicle telematics systems and to otherwise implement and enforce the requirements of Maine Revised Statutes, Title 29-A, section 1810. LKQ believes the group has accomplished what it set out to do.

LKQ has 50 employees at 4 facilities in Maine located in Gorham, Bangor, Portland, and Gardiner, and employs 15,000 individuals nationwide and operates more than 440 facilities in 46 states. LKQ Corporation is a leading provider of alternative and specialty parts to repair and accessorize automobiles and other vehicles. It offers its customers a broad range of replacement systems, components, equipment, parts and services to repair, calibrate, and accessorize automobiles, trucks, and recreational and performance vehicles.

As evidenced during the past year in Maine, Automotive Right to Repair is complex and controversial. Within the requirements of the referendum overwhelmingly approved by Maine voters, the consensus recommendations of the group have created the entity that will create the standards for securely transmitting the repair data both before and when it is needed to repair a car. LKQ supports these consensus recommendations as they follow the will of the Maine voters who wish to have the option to repair their vehicles at a repair shop of their choosing.

In regards to the “other recommendations” section of the report, LKQ does not support any recommendation that strays from the referendum and would alter what was signed into law earlier this year. We strongly disagree that “heavy duty trucks” be excluded from the law as it is just as important for these owners to have a choice in where and how they repair their vehicles. Also, LKQ does not believe that the implementation date for the telematics portion of the law should be extended past the original implementation date of January 5th, 2024. Again, this is what Mainers voted for, and they should not have to wait because some groups did not prepare for the inevitable date of implementation.

Last November, Mainers voted to take control over who can repair their car. The manufacturers are required to share the diagnostic and repair data for your car with you. The unanimous recommendations by this group form the framework for the entity that will implement and oversee the Maine Right to Repair Law into the future. Thus, the unanimous recommendations of



this group should make up the majority report and any other recommendations should not be considered.

Please do not hesitate to contact me if you have any questions. I can be reached at (305) 720-1877.

Respectfully,

A handwritten signature in black ink, appearing to read 'Andreas Heiss'.

Andreas Heiss
Government Affairs Manager
LKQ Corporation

Cc: Peter Gore

TO: Maine Automotive Right to Repair Working Group
Chief Deputy Attorney General (DAG) Christopher Taub
Assistant Attorney General (AAG) and
Chief of the Consumer Protection Division Christina Moylan

FROM: Patricia M. Hanz, EMA State Legislative Committee

DATE: December 19, 2024

RE: **Automotive Working Group Draft Report and Proposed Statutory Amendments**

Introduction and Background

The Truck and Engine Manufacturers Association (EMA) is the trade association that represents the interests of the nation's leading manufacturers of medium-duty and heavy-duty (MHD) vehicles and engines. EMA member companies design and produce the MHD commercial vehicles that have a gross vehicle weight rating (GVWR) of greater than 10,000 pounds, and that quite literally move the economy across the nation, including in the State of Maine.

MHD commercial vehicles are highly customized to perform a wide variety of commercial functions, including but not limited to interstate trucking, regional freight shipping, intra-city pickup and delivery, refrigerated transport, refuse hauling, construction, logging, passenger bus and school bus applications, snowplows, emergency services and public transit. As such, the MHD commercial vehicles that EMA's members produce and sell in Maine are varied, specialized, vital to the State's economy, and fundamentally different from passenger cars. The manner in which those MHD commercial vehicles are used and repaired is equally specialized and different from passenger cars. As a result, it is critically important that the pending efforts to develop recommendations for the implementation of Maine's "Right to Repair" legislation take those fundamental differences into full account.

In considering this issue, it is important to recall the background to Maine's Right to Repair law. As set forth in the underlying Ballot Initiative, and as recently reiterated in testimony at the Automotive Working Group's October 16th, 2024, Public Hearing, the purpose of Maine's Automotive Right to Repair legislation is to ensure that consumers have access to relevant diagnostic data from their *automobiles*. Indeed, the discussions of the Maine *Automotive Right to Repair Working Group* have been exclusively focused on the impacts of the law on *automobiles* (defined in MRS Title 29-A as "a motor vehicle designed for the conveyance of passengers that has a seating capacity of not more than 15 persons, including the operator").

Unfortunately, the enabling Right to Repair legislation includes the term “motor vehicle,” which is defined in MRS Title 29-A to mean a “means a self-propelled vehicle not operated exclusively on railroad tracks, but does not include snowmobiles, certain ATVs and motorized wheelchairs.” In addition, the enabling legislation creates additional confusion about its intended scope by using multiple additional terms (defined in MRS Title 29-A), including separate definitions for “commercial vehicles” (a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property with a GVWR of 26,000 or more, a bus, or vehicle of any size used to transport hazardous materials), and “heavy duty vehicle” (a vehicle powered by a diesel engine that has a GVW of greater than 8500 pounds). MRS Title 29-A also includes other definitions that are unrelated to the intended passenger-car-focus of the law. Those additional overlapping definitions include ones for a “vehicle” (a device for conveyance of persons or property on a way), a “way” (the boundary lines of a road, highway, parkway, street or bridge used for vehicular traffic, whether public or private”), and an “off-road vehicle” (a vehicle that because of its design, configuration, original manufacturer or original intended use does not meet the inspection standards of Section 15 ...”).

Notwithstanding the law’s multiple overlapping definitions, the original intent behind Maine’s Right to Repair law remains clear – to allow for more readily available repairs of passenger cars, not MHD commercial vehicles. Consequently, the Automotive Working Group’s discussions have necessarily focused on *automobiles* (i.e. passenger vehicles). As such, and as discussed more below, any final report from the Working Group should make it clear that the distinct and widely varied categories of MHD commercial vehicles are not included within the scope of the Working Group’s mandate or recommendations. Simply stated, the *Automotive Working Group*, which does not even include representatives from the MHD commercial vehicle industry, is not in a position to address the multiple issues, problems and impacts associated with efforts to expand right-to-repair beyond the passenger car market into the much different MHD commercial vehicle sector.

The Relevant Fundamental Difference Between the Passenger Car and Commercial Vehicle Markets

The differences between the passenger car and MHD commercial vehicle markets are significant. Indeed, the underlying issues and concerns that led to the push for right-to-repair for automobiles do not apply to the commercial and heavy-duty vehicle market. To the contrary, expanding right-to-repair into the much different and varied commercial vehicle space would only serve to create unnecessary costs and burdens across that economic sector in Maine, which includes specialized manufacturers and dealers, large and small fleet owners, urban and remote operations, and multiple vital government operations, including fire and emergency operations, that all rely on the expert operation and repair of MHD commercial vehicles.

Unlike the passenger industry, manufacturers sell MHD commercial vehicles to trucking companies and other public and private entities in business-to-business transactions. The MHD vehicles that are sold are expensive specialized commercial assets that businesses need to carefully maintain and amortize over many years in order provide a necessary return on investment. They are not simply big cars. Far from it.

Commercial MHD vehicles are produced in annual volumes that are less than five percent of passenger car production volumes. Passenger vehicles are mass marketed to consumers for their personal use to carry people and their belongings. In stark contrast, MHD commercial vehicles are built and sold in highly customized configurations to meet the specifications of myriad types of purchasers (which include private and public entities) and their myriad types of applications. Commercial vehicle purchasers seek to meet the needs of their particular operations and utilization rates and choose from literally hundreds of vehicle and engine types, body configurations, and specialized components and options. Importantly, commercial vehicles are not mass produced through an integrated manufacturing process as is the case with passenger vehicles. MHD commercial vehicles are manufactured on a “made-to-order” basis, often with an engine, transmission, rear axle and body produced and warranted by a different manufacturer.

The fundamental differences between the markets for automobiles and MHD commercial vehicles stem in part from the fact that most commercial vehicles are built in multiple stages, with the “vehicle” manufacturer producing an incomplete chassis that must be finished by an independent body manufacturer to become, for example, a dump truck, ambulance, bus – or any one of a wide range of vehicle configurations. Many completed commercial trucks move on to yet another manufacturer that installs additional equipment like a pump, lift, or crane before the vehicle is sold and ultimately put into service. Consequently, if Maine’s Right to Repair law expanded to MHD commercial vehicles, it would sweep up the thousands of small and specialized businesses that install bodies and equipment on MHD chassis to complete the manufacture of commercial trucks. For example, an engine manufactured by Cummins is commonly purchased by a half dozen different chassis manufacturers including Daimler, International, PACCAR and Volvo. In turn, small business and dealers perform additional work on these products before they are delivered to the ultimate purchaser for use in commercial transportation, truck and bus fleets and specialty heavy duty vehicles from dump trucks to snowplows and emergency vehicles. As such, the application of the law to market segments beyond *automobiles* would have severe and unwarranted impacts on the many small entities and upfitters that are involved in the commercial vehicle manufacturing chain.

The maintenance and repair of MHD commercial vehicles also is completely different from passenger cars, due in large part to the fact that, as described above, commercial vehicles are custom-built capital-intensive assets that are used for unique and varied commercial purposes. The maintenance and repair of commercial vehicles is performed in a manner that is consistent with the business-to-business nature of the industry. When a commercial vehicle is out-of-service, that vehicle becomes a costly stranded asset for the business or government entity that purchased it. It is not just a matter of inconvenience; it is a matter of business viability. Accordingly, commercial

vehicle manufacturers employ service managers, service engineers, and 24-hour call centers that are singularly focused on getting commercial vehicles back into service as quickly as possible.

In many cases, to further expedite repairs, many trucking fleets and government entities obtain authorization from the manufacturer to perform their own warranty and service repairs and have access to the same diagnostic tools and data as a dealership. In addition, it often becomes necessary for MHD commercial vehicle dealerships to contract with independent repair facilities that also receive access to all the necessary tools and information to complete warranty and service repairs. Commercial vehicle dealerships also frequently cooperate with component distributors to ensure that repairs are properly allocated between component and vehicle service facilities. Thus, given the unique needs and demands of the commercial vehicle sector – as fundamentally different from the dynamics related to passenger car repairs – there are market forces and solutions already in place to ensure that MHD commercial vehicles are serviced and repaired as efficiently and quickly as possible.

In light of all of these key differences, the issues that motivated Maine’s *automotive* right to repair law are simply not present in the commercial vehicle industry. Unfortunately, it appears that the Automotive Right to Repair Working Group has not sufficiently investigated or addressed the fundamental differences between the passenger vehicle and MHD commercial vehicle markets. If it had, the Working Group would have found that the business-to-business relationships between commercial vehicle manufacturers and purchasers already drives the market to a place where all parties have access to the tools and data they need to maximize commercial vehicle uptime and make repairs in the most efficient and flexible manner – without legislative intervention. Simply stated, the diagnostic tools and data necessary for the prompt and cost-efficient maintenance and repairs of commercial vehicles are already being provided through a well-established warranty system that includes owners, dealerships and independent repair facilities. Maine’s *Automotive* Right to Repair Law fails to account for that well-functioning system. More importantly, Maine’s law, if not implemented as originally intended, could fracture the repair system already in place for commercial vehicles, resulting in severe and widespread adverse consequences.

There are other relevant concerns as well. Access to commercial vehicle-generated data could increase the risk of serious dangers. MHD commercial vehicles increasingly use sophisticated electronic driver assistance systems and comprehensive fleet management telematics systems. Unrestricted third-party access to and interference with safety-critical functions like steering, acceleration, and braking of an 80,000-pound tractor-semitrailer combination vehicle could be disastrous, especially if the vehicle is carrying hazardous materials. Additionally, malicious actors could be highly motivated to gain access to fleet management telematics to misappropriate trucking business secrets and to enable cargo theft. The Automotive Working Group Report properly notes the significant concerns regarding privacy and cyber-security of data generated by passenger vehicles, but fails to evaluate or take into account the far greater cyber-security risks and complexities associated with commercial and heavy-duty vehicles.

For multiple good reasons, Congress and federal regulatory agencies address passenger automobiles and commercial and heavy-duty vehicles separately and differently. Those independent statutory and regulatory approaches exist because of the many distinctions between the two markets described above. The U.S. EPA's distinct approach for MHD commercial vehicles has resulted in very successful programs to reduce pollutants and greenhouse gas emissions from MHD vehicles. Similarly, the National Highway Traffic Safety Administration (NHTSA) has highly successful separate programs to address commercial vehicle safety. And Congress created the separate Federal Motor Carrier Administration understanding the need to have an agency that focuses solely on improving the safety of commercial vehicles and their operations. The Automotive Right to Repair Working Group should act similarly, and should recommend that MHD commercial vehicles be separated from the scope of its work to implement Maine's Right to Repair law.

Members of the Automotive Working Group should be aware of pending litigation in the state of Massachusetts regarding its Automotive Right to Repair law. Federal district court litigation regarding the authority of the state to adopt and enforce certain provisions of that law is currently pending, including questions related to whether federal law pre-empts the state from adopting laws impacting the emissions and safety features of vehicles, since both the EPA and NHTSA have regulations specifically governing the maintenance and repair of vehicle emissions and safety systems. In connection with that case, the Massachusetts Attorney General agreed to a stay of enforcement in April 2022, which has resulted in only limited sections (e.g. notification) of the Massachusetts law going into effect in 2023, while the remainder remains on hold pending a ruling from the federal court. Importantly, the distinction between passenger vehicles and MHD commercial vehicles is recognized in the Massachusetts law, and follow-up legislation confirming this distinction also has been proposed, pending the outcome of the federal court litigation.

Conclusions and Recommendations

EMA supports sensible regulations for the MHD commercial vehicle industry. That said, we note that the Automotive Right to Repair Working Group has specifically excluded any members of the commercial vehicle industry - despite EMA's request - since its original focus was to be solely on passenger cars. As a result, the Automotive Working Group has not evaluated or investigated the fundamental differences between passenger vehicles and MHD commercial vehicles, nor has it properly assessed whether there is an actual need to apply an *Automotive* Right to Repair strategy to MHD commercial vehicles, or what adverse consequences might result from doing so. In light of that, EMA requests that the Automotive Working Group Report acknowledge in its report the significant differences between the passenger vehicle and MHD commercial vehicle markets, and explicitly state that the Working Group's conclusions and recommendations apply solely to the application of the Right to Repair law to *automobiles*. Simply adding members of the commercial and heavy-duty vehicle industry to an Advisory Commission - *after the issuance of a Working Group Report with Conclusions and Recommendations on the interpretation and enforcement of the law* - is clearly not sufficient to address the very serious issues and consequences that will result from any unstudied recommendations regarding the inclusion of MHD commercial vehicles within the scope of the law.

To that end, EMA requests that the Automotive Working Group recommend that the scope of the Maine’s Automotive Right to Repair Law should be *limited to automobiles as defined in MRS Title 29* for the reasons discussed above. In addition, we request that the Automotive Working Group recommend that enforcement of the Maine Automobile Right to Repair Law should be held in abeyance at least until the amendments that the Working Group has recommended are adopted by the Maine legislature. Without such a stay of enforcement, the Automotive Right to Repair Law will take effect on January 5, 2025. And, while the Maine Attorney General’s Office has opined that Section 6 of the law is “self-executing,” there are literally hundreds of other issues impacting the regulated community that have yet to be resolved, many of which are dependent on the pending amendments of the law. As a result, implementation of the law on January 5, 2025, without a stay is sure to cause confusion and significant disruptions in the use, operation and availability of commercial vehicles throughout the State of Maine.

We appreciate the opportunity to submit these comments, and we would welcome the chance to work with the Working Group and the Maine Legislature to explain and address any aspect of data-availability that is affecting the maintenance and repair of MHD commercial vehicles, including revisions to the existing Heavy Duty Vehicle Memorandum of Understanding. Should you have any questions or need any additional information, please do not hesitate to contact me at (312) 929-1979 or at phanz@emamail.org.

Respectfully submitted,

Patricia M. Hanz
Truck and Engine Manufacturers Association

Memorandum

To: Maine Automotive Right to Repair Working Group
Chief Deputy Attorney General (DAG) Christopher Taub
Assistant Attorney General (AAG) and Chief of the Consumer Protection Division Christina Moylan

From: Kara Gundel, Senior Director of Public Policy, Engine Technology Forum

Date: December 20, 2024

Subject: Recommendations on the Maine Automotive Right to Repair Law

I am writing to you to on behalf of the Engine Technology Forum, Inc. (“ETF”) to share concerns on pending changes to Maine’s Automotive Right to Repair Law. As a matter of background, ETF is a not-for-profit educational association that represents manufacturers of internal combustion engines, vehicles, along with component

manufacturers and renewable and petroleum fuel producers. ETF collects and commissions research that attests to the environmental and economic importance of engine technology and serves to advocate these benefits broadly. More information including a list of members is available at enginetechforum.org.

We appreciate the opportunity to provide our comments on the Maine Automotive Right to Repair law and the ongoing discussions of the Automotive Working Group.

As we understand it, the primary intent of the Maine Automotive Right to Repair law is to ensure that consumers have access to diagnostic data for passenger cars. However, the term "motor vehicle" in the law creates confusion as it encompasses various types of vehicles beyond passenger cars. However, there are key differences between passenger vehicles and medium and heavy duty trucks (MHD).

First, MHD vehicles are highly specialized and used for a wide range of commercial functions. They are custom-built, expensive assets maintained through business-to-business transactions, unlike passenger cars which are mass-produced for personal use.

Secondly, there are concerns with expanding the law to MHD vehicles: Expanding the Right to Repair law to include MHD vehicles would impose unnecessary costs and burdens on the

commercial vehicle sector. The industry already has effective systems in place to ensure efficient repairs and maintenance.

Lastly, there are significant cybersecurity and safety risks associated with third-party access to MHD vehicle data.

In light of these considerations, we respectfully recommend the following:

1. **Limit the Scope of the Law:** The Right to Repair law should be explicitly limited to passenger cars as defined in MRS Title 29-A. This distinction is crucial to avoid unintended consequences for the commercial vehicle sector.
2. **Hold Enforcement in Abeyance:** We recommend that enforcement of the Maine Automotive Right to Repair law be held in abeyance until the proposed statutory amendments are adopted by the Maine legislature. Immediate enforcement without these amendments would likely cause confusion and significant disruptions in the use and availability of commercial vehicles in Maine.

ETF supports sensible regulations for the MHD commercial vehicle industry. However, it is essential to recognize the fundamental differences between passenger cars and MHD commercial vehicles. We urge the Automotive Working Group to acknowledge these differences in its final report and to recommend that the Right to Repair law apply solely to passenger cars.

We appreciate your attention to these important issues and look forward to working with you to ensure that the Right to Repair law is implemented in a manner that supports both consumer rights and the operational needs of the commercial vehicle sector.

Sincerely,

Kara Gundel
Senior Director, Public Policy
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Comments of
MEMA Aftermarket Suppliers
to the
Maine House of Representatives
on the
Working Group's Draft Recommendations and Draft Proposed
Amendments to Title 29-A, Section 1810
12/30/2024

Introduction

MEMA Aftermarket Suppliers exclusively serves manufacturers of aftermarket components, tools and equipment, and related products, an important part of the automotive parts manufacturing industry which supports 907,000 American jobs in all 50 states. MEMA Aftermarket is a recognized industry change agent – promoting a collaborative industry environment, providing a forum to address issues and serving as a valued resource for members across all areas of the aftermarket including light vehicle, commercial vehicle, and remanufacturing.

Members supply the aftermarket with the parts that keep millions of vehicles on the road, fueling international commerce and meeting society's transportation needs. MEMA members are committed to safety and sustainability.

Learn more at mema.org/aftermarket-suppliers.

Background

On November 7, 2023, Maine voters overwhelmingly voiced their support for the Automotive Right to Repair Act referendum. This ballot referendum requires that all vehicles utilizing a telematics system sold in the state be equipped with an inter-operable, standardized, and owner-authorized access platform across all of the manufacturer's makes and models, within one year of the effective date of the amendments. The platform must further be administered by an independent entity, designated by the Attorney General, to establish and administer access to vehicle-generated data.

The Attorney General subsequently convened a working group to develop recommendations for legislation to establish an entity with rulemaking and enforcement authority to adopt standards



governing access to motor vehicle telematics systems and to otherwise implement and enforce the requirements of Maine Revised Statutes, [Title 29-A, section 1810](#).

Discussion/Comments

MEMA Aftermarket Suppliers appreciates that individuals representing a wide range of the industry interests and partners were included in the Maine Automotive Right to Repair Working group. However, upon review of the membership of the commission to be appointed by the Governor, there is a notable gap in that the list does not include a commercial vehicle aftermarket supplier.

Throughout the legislation, commercial motor vehicles and heavy-duty vehicles having a gross weight rating of more than 14,000 pounds are listed as parties designated to receive all diagnostic repair tools, parts, software and components incorporating the same diagnostic, functional repair and wireless capabilities that the manufacturer makes available to its authorized repair shops. Commercial vehicle aftermarket suppliers generally manufacture parts that are sold to service larger vehicles in operation. This segment of the industry can include medium sized delivery vehicles, on-highway tractors and trailers, and off-highway or construction vehicles. The parts produced by commercial vehicle aftermarket suppliers may be directly sold to repair shops, fleet operators, or through independent distributors. Given the clear differences and challenges commercial vehicle aftermarket parts suppliers face, it is crucial for this sector of the industry to participate in the relevant discussions and to have standing within the commission.

Conclusion

MEMA Aftermarket Suppliers appreciates the dedication of the working group to ensure the commission is comprised of all industry stakeholders. By adopting the referendum, Maine voters made clear their desire to have access to a repairer of their choice while also having access to the data necessary to repair their car. As the commission is finalized, it is crucial that all parties included in the scope of the legislation have a position and a voice within this important entity. A commercial vehicle aftermarket supplier must have standing within the commission to ensure that this segment of the market is appropriately considered as the implementation of the legislation moves forward.

Thank you for considering this request. We would welcome any questions you may have. Please do not hesitate to contact Carter Salwin at csalwin@mema.org.

Best,

Carter Salwin

Carter Salwin
Senior Manager, Government Affairs
MEMA, The Vehicle Suppliers Association

MEMA, The Vehicle Suppliers Association

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December 16, 2024

RE: Exclude Motorcycles from Automotive Right to Repair Provisions

Dear Maine Automotive Right to Repair Working Group Members:

Companies represented by the Motorcycle Industry Council (MIC), a not-for-profit, national trade association representing hundreds of manufacturers, distributors, dealers and retailers of motorcycles, scooters, motorcycle parts, accessories and related goods and services, and members of allied trades, appreciate the opportunity to comment on Maine Automotive Right to Repair Working Group's report and proposed statute changes. While the intent of Maine's right to repair law appears to exclude motorcycles, we urge the working group to clarify that motorcycles are not included in the right to repair provisions for the reasons outlined below:

1. Motorcycles are excluded from the Massachusetts right to repair law.
2. ME LD 1911 (HP 1227) was amended by the Innovation, Development, Economic Advancement and Business Committee in amendment [C-A \(H-935\)](#) to specifically exclude motorcycles from the motor vehicle definition. Unfortunately, LD 1911 died between the Houses.
3. Not all motorcycles have the prescribed SAE or ISO interfaces.
4. Franchised dealers, which are Maine small businesses, will be economically harmed.
5. Non-factory trained technicians working on motorcycles is a serious safety concern as is the litigation risk of untrained individuals performing work on such vehicles.

Motorcycles are excluded from the Massachusetts right to repair law

It appears the intent of the Maine law is to model the Massachusetts right to repair law. Motorcycles were ultimately excluded from the Massachusetts right to repair law (and automobile MOU) because they are different than automobiles in terms of the diagnostic connector standard mandated by motor vehicle right to repair laws. Motorcycles cannot comply with provisions typically included in motor vehicle right to repair legislation. Therefore, Massachusetts legislators specifically excluded motorcycles from the definition of motor vehicle for purposes of the right to repair law ([Chapter 93K](#)). We urge the working group to provide the same exclusion as Massachusetts did in their law. This can be accomplished by the following suggested language, as was adopted by the IDEA committee in LD 1911¹:

2-E. Motor vehicle. "Motor vehicle" or "vehicle" has the same meaning as in section 101, subsection 42, except that it does not include a motorcycle.

Not all motorcycles have the prescribed SAE or ISO interfaces

These interfaces were developed for the United States EPA emission standards mandate for cars and trucks equipped with on-board diagnostic (OBD) systems. On-highway motorcycles are not subject to EPA requirements for on-board diagnostic systems. The SAE J1962 (connector standard) mandated by J2534 for "diagnostic connector" specifically applies to passenger cars, light and medium duty trucks, and heavy trucks. This standard does not apply to motorcycles and

¹ <https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1227&item=2&snum=131>

compliance would require major engineering changes for motorcycles, both software and hardware, and would take several years to implement (unlike autos which already have the connector).

Small Business Franchised Dealers

A right to repair law capturing motorcycles would economically harm Maine small business franchised dealers. Dealers have invested heavily in training, special tooling, and equipment to service vehicles. Franchised dealers sign a dealer agreement giving them access to service information, technical expertise, and special tools required to diagnose and repair original equipment products. This is a substantial monetary investment. If tools and technical information are provided to customers and unauthorized independent repair shops, the franchised dealer's investment is compromised.

Safety and Litigation Concerns

Serious safety concerns exist relating to the inherent danger of allowing non-factory trained technicians, untrained mechanics, and owners to perform certain work on motorcycles. For example, today's vehicles often include systems that control emissions, stability, antilock brakes, cruise control and adaptive cruise control, and a host of other activities. Many of these systems are government-mandated or regulated. Untrained individuals or illegal tampering with coding could cause vehicle failure, endanger vehicle drivers/riders, and increase emissions in violation of government standards. Specific language prohibiting illegal manipulating and/or tampering with key environmental and safety equipment should be added to Maine law.

Litigation risk is another concern associated with allowing non-factory trained technicians to perform certain work on motorcycles. If environmental or safety override attempts result in clean air violations, destruction of property, personal injury, or death, manufacturers are likely to be swept up in lawsuits, regardless of who may be liable for such damage and injuries.

Thank you for your consideration of our comments. Should you have any questions, please contact me at 703-416-0444 ext. 3202.

Sincerely,



Scott P. Schloegel
Senior Vice President, Government Relations

I have been in business for going on 42 years and we have certainly had our challenges with having access to repair information and tools over the years. I find it appalling that manufacturers are so greedy and want all consumers to go back to a closed system of authorized repair locations. This would absolutely drive up the cost of repairs for everyone.

I appreciate the Working Groups time and effort and the Right to Repair law is essential to the continued success for independent repair shops

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Testimony Concerning Law Title 29-A, §1810: Access to On-board Diagnostic and Repair Information Systems for Commercial Vehicles Over 14,000 lbs GVW in Maine

Members of the Maine Right to Repair Working Group,

My name is Kristen Kellogg, and I am the Senior Director of Government Affairs at the Commercial Vehicle Solutions Network (CVSN). CVSN represents a wide range of professionals in the aftermarket service and repair industry, including independent repair shops, parts distributors, and service providers who support commercial vehicle owners and operators nationwide. We have been closely tracking the progress of this legislation and understand that manufacturers continue to oppose the inclusion of commercial vehicles. We are here to reaffirm our support for the inclusion of commercial vehicles with a Gross Vehicle Weight (GVW) over 14,000 lbs in Maine's right to repair law. Commercial vehicles include delivery vans, box trucks, dump trucks, trash trucks, all the way up to class 8 large trucks.

We are pleased to note that this law aligns with the clear will of Maine voters, who overwhelmingly expressed their support for this measure with 84% of the vote. This widespread backing reflects a strong demand from both business owners and consumers for more access to vital repair data, which is essential for maintaining and servicing commercial vehicles in the state.

Alleviating Supply Chain Concerns with Speedy Repairs

One of the most pressing concerns in the commercial vehicle industry today is the delay in repairs due to limited access to necessary diagnostic and repair information. Commercial vehicles are the backbone of many industries in Maine, and when these vehicles are out of service, it can cause disruptions that ripple through supply chains, negatively impacting businesses and consumers. By allowing greater access to on-board diagnostic and repair information systems, this law will facilitate faster repairs. This will ultimately enhance operational efficiency and minimize delays in deliveries, benefiting the broader economy.

Empowering Consumer Choice and Protection

Commercial vehicle owners should have direct access to their repair information, empowering them to decide where and when to service their vehicles or trucks. Currently, dealerships have exclusive access to the most up-to-date diagnostic tools and repair data, creating an imbalance between dealership service departments and independent repair shops. This limits consumer choice and makes it harder for small businesses and independent fleet owners to maintain their vehicles efficiently. By ensuring that owners can access essential telematics data, this law fosters a more competitive environment, allowing independent shops to offer the same level of service as dealerships, ultimately benefiting consumers with lower costs and improved service quality.

Maintaining Safety Standards

Commercial vehicles are equipped with crucial safety mechanisms that require regular maintenance to ensure they remain operational and safe on the road. However, without adequate access to repair information, these vital systems may suffer from delays or incomplete repairs, putting both the vehicle and its driver at risk. Currently, limited access to repair data often forces



consumers to rely on authorized dealerships, which can be costly. By ensuring access to telematics systems and on-board diagnostic information, this law gives consumers more repair options, including trusted independent mechanics and shops. This promotes not only better access to timely and affordable repairs but also ensures that safety systems are properly maintained, protecting both the vehicles and the people who depend on them.

Conclusion

In conclusion, this law is an essential measure that will address a critical gap in the maintenance and repair ecosystem for commercial vehicles over 14,000 lbs GVW. By ensuring that on-board diagnostic and repair information system data is accessible, we will see faster repairs, increased consumer choice, improved service quality, and greater parity between dealerships and independent repair shops. Furthermore, it will help alleviate supply chain concerns and contribute to a more efficient economy, benefiting both businesses and consumers in Maine.

With the overwhelming support of Maine voters, this legislation represents a significant step forward, and we strongly urge its elected officials and this subsequent working group to continue to uphold the will of the voter.

Sincerely,
Kristen Kellogg
Senior Director of Government Affairs
Commercial Vehicle Solutions Network (CVSN)



MAINE AUTO RECYCLERS ASSOCIATION

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Portland, ME 04101

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December 30, 2024

Our Association appreciates the opportunity to submit the below testimony to the Automotive Right to Repair Working Group:

The Maine Auto Recyclers Association (MARA) is a standard 501 c (6) trade association comprised of automotive recycling firms and related businesses. There are approximately 300 Maine businesses holding auto recycler licenses. Most of these licensees are small family firms, of which a number are members of our association. **Virtually all of Maine's larger auto recycling firms are among MARA's approximately 50 members.** Our association has longstanding and mutually beneficial working relationships with Maine's Bureau of Motor Vehicles and Maine's Department of Environmental Protection.

Our association's members supply quality used parts to Maine's independent repair facilities and to vehicle owners who undertake their own repairs. It is absolutely vital to our members that these entities – our customers— are able to access the telematic systems enabling the repair of vehicles now being manufactured. For this reason we actively supported the successful passage of Maine's Initiated Bill 3 An Act Regarding Automotive Right to Repair.

We strongly commend the Automotive Right to Repair Working Group for having achieved substantial consensus in its draft report to the appropriate joint standing committee of the Maine Legislature. The complexity of the issue was immediately apparent at the Working Group's initial meeting; we commend the Attorney General's designees and every member of the Working Group for subsequently achieving agreement in many areas.

Given the diligence with which the Working Group arrived at its recommendations, our association does not suggest modification of this consensus.



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We urge the Working Group to continue strongly emphasizing this consensus, in contrast to the “Other Recommendations” at the end of its Report.

We also strongly emphasize the importance of a provision added to the consensus report at the Working Group’s December 2, 2024 meeting: inclusion in the proposed Motor Vehicle Right to Repair Commission of a member representing a heavy duty vehicle manufacturer and also a member who is an owner or operator of an independent repair facility specializing in heavy duty vehicles.

The “Other Recommendations” report of the Working Group includes the following comment: **“Tesla notes that during the public hearing on October 16, 2024 information was presented that medium and heavy duty vehicles differ from automobiles with respect to their manufacture, usage, ownership and repair.” This observation is very accurate.** This observation also invalidates the allegation made at the Working Group’s most recent public comment session, that heavy duty vehicle manufacturers did not have prior opportunity to provide comment.

Not only are heavy duty vehicles a very different category; they are also a major component of Maine’s economy and between 10-15% of the traffic on the Maine Turnpike. **When a heavy duty vehicle delivering goods to our geographically “end of the line” state needs repair and the repair facility serving that vehicle needs access to telematic data, that data cannot be limited to only those facilities allied with the vehicle manufacturer.**

The largest truck recycling and repair facility in Maine, White & Bradstreet, is located on the outskirts of Augusta and reports that they are already encountering difficulty in truck repairs due to manufacturers’ unwillingness to share information. It may well be that the owners of heavy duty vehicles utilized



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by certain sectors of the Maine economy, such as the logging industry, have sufficient access to repair facilities and data. In this instance, the proposed Motor Right to Repair Commission will have no complaints from these truckers to investigate. However, excluding heavy vehicle owners and independent repair facilities coverage under Section 1810 of Maine's Right to Repair Law, as suggested by Tesla's recommendation and advocated by a truck manufacturing representative at the Working Group's December 20, 2024 meeting, would have significant consequences for many Maine truck operators. **The Working Group made the correct decision in adding balanced representation from the heavy duty vehicle sector to the proposed Right to Repair Commission.**

With regard to issues lacking consensus, our association is opposed to the suggestion that implementation of the telematics provision be postponed until one year subsequent to any amendment to Maine's current Sections 1810. We recognize that there is an inherent conflict between the current implementation date of January 5, 2025 and the February 28, 2025 date by which the Working Group's report must be submitted to the Legislature. However, this conflict could have been avoided had the entities now requesting postponement approached the previous Maine Legislature in the same cooperative manner which they have brought to the current Working Group.

Our Association looks forward to supporting the unanimous section of the Working Group's report when presented to the appropriate committee of the Maine Legislature.

Bill Bell, Executive Director