

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Vincent A. Pedone

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 passage of the accompanying bill:

An Act to protect the rights of consumer to diagnose, service, and repair, or have repaired for them, motor vehicles in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Vincent A. Pedone	15th Worcester
James M. Murphy	4th Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 296 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROTECT THE RIGHTS OF CONSUMER TO DIAGNOSE, SERVICE, AND REPAIR,
OR HAVE REPAIRED FOR THEM, MOTOR VEHICLES IN THE COMMONWEALTH.

*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.** This Act may be cited as “The Massachusetts Motor Vehicle Owners’ Right to Repair Act
2 of 2009.”

3 **SECTION 2.** The Legislature finds and declares that:

- 4 a) The ability to diagnose, service, and repair a motor vehicle in a timely, reliable, and affordable
5 manner is essential to the safety and well-being of consumers in this Commonwealth.
- 6 b) Consumers are entitled to choose among competing repair facilities for the convenient, reliable,
7 and affordable repair of their motor vehicles.
- 8 c) Increased competition among repair facilities will benefit vehicle owners in this Commonwealth.
- 9 d) Computers of various kinds are commonly being used in motor vehicle systems, such as pollution
10 control, transmission, anti-lock brakes, electronic and mechanical systems, heating and air
11 conditioning, mobile electronics, airbags, and steering.
- 12 e) The diagnosis, service, and repair of these vehicle systems are essential to the safe and proper
13 operation of motor vehicles.
- 14 f) In many instances, access codes prevent owners from making, or having made, the necessary
15 diagnosis, service, and repair of their motor vehicles in a timely, convenient, reliable, and
16 affordable manner.
- 17 g) Vehicle owners in the Commonwealth of Massachusetts must have the right:
- 18 (1) to obtain all information necessary to provide for the diagnosis, service, and
19 repair of their vehicles;
- 20 (2) to choose between original parts and aftermarket parts when repairing their
21 motor vehicles; and
- 22 (3) to make, or have made, repairs necessary to keep their vehicles in reasonably
23 good and serviceable condition during the life of the vehicle.

71 **SECTION 6.** Notwithstanding any General or special law, or any rule or regulation, to the contrary, the Office
72 of Consumer Affairs and Business Regulation may not prescribe any regulations that:

- 73 a) interfere with the authority of the Administrator of the Environmental Protection Agency under
74 section 202(m) of the Clean Air Act (42 U.S.C. 7521(m)) with regard to motor vehicle emissions
75 control diagnostic systems; or
- 76 b) conflict with any rules and/or regulations prescribed by the Administrator of the Environmental
77 Protection Agency under that section.

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79 **SECTION 7.** Notwithstanding any General or special law, or any rule or regulation, to the contrary any
80 violation of any of the provisions of this Act committed by any manufacturer of a motor vehicle offered for sale in
81 the Commonwealth, in addition to any other penalty provided by law, shall be subject to a penalty of not more
82 than \$10,000.00 for the first offense and not more than \$20,000.00 for the second and each subsequent offense.
83 In the event of ongoing non-compliance with this Act, such manufacturer shall be subject to a penalty of not more
84 than \$20,000.00 after each period of sixty days of ongoing non-compliance. A vehicle owner or a repair facility may
85 bring a civil action to enjoin a violation of this Act, and to recover all economic damages arising from such
86 violation(s), and all costs of litigation, including reasonable attorney and expert witness fees