

HOUSE BILL No. 2288

By Committee on Transportation

Requested by Tony Railsback on behalf of ABATE of Kansas, Inc.

2-5

AN ACT concerning motor vehicles; relating to motor vehicle repairs; creating the motor vehicle right to repair act.

Be it enacted by the Legislature of the State of Kansas:

Section 1. The provisions of sections 1 through 8, and amendments thereto, shall be known and may be cited as the motor vehicle right to repair act.

Sec. 2. As used in this act:

(a) "Act" means the motor vehicle right to repair act.

(b) "Authorized repair facility" means a person or entity operating in Kansas that is affiliated, by contract or otherwise, with a motor vehicle dealer or manufacturer and is engaged in the diagnosis, service or repair of motor vehicles.

(c) "Board" means the motor vehicle repairs board established in section 4, and amendments thereto.

(d) "Commercial motor vehicle" means a motor vehicle designed or used in the transport of passengers or property, if:

(1) The vehicle has a gross vehicle weight rating of more than 26,000 pounds; or

(2) the vehicle is designed to transport 16 or more passengers, including the driver.

(e) "Immobilizer system" means an electronic device designed for the sole purpose of preventing the theft of a motor vehicle by preventing the motor vehicle from starting without the correct activation or authorization code.

(f) "Independent repair facility" means a person or entity that is not affiliated, by contract or otherwise, with a motor vehicle dealer or manufacturer and is engaged in the diagnosis, service, maintenance or repair of motor vehicles.

(g) "Manufacturer" means any person or entity that, in the ordinary course of business, is engaged in the business of manufacturing or assembling motor vehicles.

(h) "Mechanical data" means any motor vehicle specific data, including telematics system data, generated by, stored in or transmitted by a motor vehicle and used in the diagnosis, repair or maintenance of a

1 motor vehicle.

2 (i) "Motor vehicle" means any vehicle that is designed for
3 transporting persons or property on a street or highway and is certified by
4 the manufacturer under all applicable federal safety and emissions
5 standards and requirements for distribution and sale in the United States.
6 "Motor vehicle" does not include any farm tractor, farm trailer or
7 implement of husbandry as those terms are defined in K.S.A. 8-126, and
8 amendments thereto.

9 (j) "Motor vehicle dealer" means any person or entity that, in the
10 ordinary course of business, is engaged in the business of selling or leasing
11 motor vehicles.

12 (k) "Repair" means the examination, maintenance, servicing,
13 adjustment, improvement, replacement, removal or installation of a part of
14 a motor vehicle, including, but not limited to, body work and paint.

15 (l) "Telematics system" means a system in a motor vehicle that
16 collects information generated by the operation of the vehicle and
17 transmits that information using wireless communications to a remote
18 receiving point where the information is stored or used.

19 Sec. 3. Access to mechanical data and motor vehicle on-board
20 diagnostic systems of all motor vehicles, including commercial motor
21 vehicles and motor vehicles with a gross vehicle weight rating of more
22 than 10,000 pounds, shall be standardized and made accessible to motor
23 vehicle owners and independent repair facilities. Such access to
24 mechanical data and motor vehicle on-board diagnostic systems shall not
25 require authorization by a manufacturer, directly or indirectly, unless such
26 authorization is standardized across all makes and models of motor
27 vehicles sold in Kansas and is administered by the board established in
28 section 4, and amendments thereto.

29 Sec. 4. (a) There is hereby established under the jurisdiction of the
30 attorney general the motor vehicle repairs board. The board shall be
31 composed of:

32 (1) One member to represent manufacturers, appointed by the
33 attorney general;

34 (2) one member to represent aftermarket motor vehicle parts
35 manufacturers, appointed by the attorney general;

36 (3) one member to represent aftermarket motor vehicle parts
37 distributors or retailers, appointed by the attorney general;

38 (4) one member to represent independent repair facilities, appointed
39 by the attorney general; and

40 (5) one member to represent motor vehicle dealers, appointed by the
41 attorney general.

42 (b) The chairperson of the board shall be appointed by the attorney
43 general, except that the chairperson shall not be a member that represents

1 manufacturers. All other members of the board shall serve at the pleasure
2 of the attorney general. The board shall meet upon call of the chairperson.

3 (c) The board shall be responsible for managing the secure access to
4 mechanical data, including ensuring on an ongoing basis that access to
5 motor vehicle on-board diagnostic systems and the standardized access
6 platform that is described in section 6, and amendments thereto, is securely
7 stored based on all applicable federal and international data storage
8 standards. Other responsibilities of the board shall include:

9 (1) Identifying and adopting relevant standards for implementation of
10 the act;

11 (2) monitoring and developing policies for the evolving use and
12 availability of mechanical data;

13 (3) creating policies for compliance with relevant laws, regulations,
14 standards, technologies and best practices related to access to mechanical
15 data; and

16 (4) investigating suspected violations of the act.

17 (d) If the board has reason to believe that a manufacturer has violated
18 any provision of the act, the board shall refer the suspected violation to the
19 office of the attorney general. The office of the attorney general shall
20 promptly file any actions or proceedings for violations of the act in the
21 district court of any county where an act or practice by a manufacturer,
22 determined by the board and the office of the attorney general, was found
23 to be a violation of the act.

24 Sec. 5. (a) For model year 2002 vehicles, including commercial
25 motor vehicles and vehicles having a gross weight rating of more than
26 10,000 pounds:

27 (1) Manufacturers of motor vehicles sold in Kansas shall make
28 available all diagnostic repair tools, parts, software and components for
29 purchase by motor vehicle owners and independent repair facilities
30 necessary for the repair of such vehicles. Such diagnostic repair tools,
31 parts, software and components shall incorporate the same diagnostic,
32 functional repair and remote communication capabilities that the
33 manufacturer makes available to the manufacturer's authorized repair
34 facilities and be made available at comparable costs and terms charged to
35 new motor vehicle dealers and authorized repair facilities.

36 (2) Manufacturers shall be required to do the following:

37 (A) Provide diagnostic repair information to each aftermarket motor
38 vehicle scan tool company and each third-party service information
39 provider that the manufacturer has licensing, contractual or confidentiality
40 agreements with for purposes of building aftermarket diagnostic tools and
41 third-party service information publications and systems. Once a
42 manufacturer provides such diagnostic repair information pursuant to this
43 subparagraph, the requirements of this subparagraph shall be satisfied by

1 such manufacturer. Manufacturers shall not be responsible for the content
2 and functionality of aftermarket diagnostic tools or service information
3 providers;

4 (B) make available the same diagnostic and repair information,
5 including repair technical updates, for purchase by motor vehicle owners
6 and independent repair facilities that the manufacturer makes available to
7 the manufacturer's authorized repair facilities through the manufacturer's
8 internet-based diagnostic and repair information system; and

9 (C) provide access to the manufacturer's diagnostic and repair
10 information system for purchase by motor vehicle owners and independent
11 repair facilities on a daily, monthly or yearly subscription basis at
12 comparable costs and terms that the manufacturer charges the
13 manufacturer's authorized repair facilities for access to such subscriptions.

14 (3) All parts, tools, software and other components necessary to
15 complete a full repair of a motor vehicle, as described in this subsection,
16 shall be made available and provided to motor vehicle owners and
17 authorized independent repair facilities.

18 (b) For model year 2002 through 2017 vehicles, including
19 commercial motor vehicles and vehicles having a gross vehicle weight
20 rating of more than 10,000 pounds:

21 (1) Access to a motor vehicle's on-board diagnostic system and repair
22 information system shall be the same for a motor vehicle owner or an
23 independent repair facility as that provided to a motor vehicle dealer.

24 (2) All parts, tools, software and components necessary to complete a
25 full repair of a motor vehicle, as described in this subsection, shall be
26 made available and provided to motor vehicle owners and authorized
27 independent repair facilities.

28 (c) For model year 2018 vehicles and each model year thereafter,
29 including commercial motor vehicles and vehicles having a gross vehicle
30 weight rating of more than 10,000 pounds:

31 (1) Access to the on-board diagnostic and repair information system
32 shall be made available through use of a personal computer with sufficient
33 memory, processor speed, connectivity and other remote communication
34 capabilities as specified for use by the manufacturer.

35 (2) Model year 2018 vehicles and each model year thereafter shall be
36 equipped with:

37 (A) A nonproprietary motor vehicle interface device that complies
38 with SAE international standard J2534, SAE international standard J1939,
39 commonly referred to as SAE J2534 and SAE J1939, the international
40 organization for standardization standard 22900, commonly referred to as
41 ISO 22900, or any successor to SAE J2534, SAE J1030 or ISO 22900 as
42 may be accepted or published by SAE international or the international
43 organization for standardization, as appropriate;

1 (B) an on-board diagnostic and repair information system integrated
2 into and entirely self-contained within the motor vehicle, including, but
3 not limited to, service information systems integrated into an on-board
4 display; and

5 (C) a system that provides direct access to on-board diagnostic and
6 repair information through a nonproprietary motor vehicle interface, such
7 as ethernet, universal serial bus or digital versatile disc.

8 (3) Each manufacturer shall provide access to the same on-board
9 diagnostic and repair information available to motor vehicle dealers,
10 including technical updates to such on-board diagnostic systems, through
11 the nonproprietary interfaces described in paragraph (2).

12 (4) All parts, tools, software and components necessary to complete a
13 full repair of a motor vehicle, as described in this subsection, shall be
14 made available and provided to motor vehicle owners and authorized
15 independent repair facilities.

16 Sec. 6. (a) On or before January 1, 2027, a manufacturer of motor
17 vehicles sold in Kansas, including commercial motor vehicles and vehicles
18 with a gross vehicle weight rating of more than 10,000 pounds, that
19 installs a telematics system on such manufacturer's motor vehicles is
20 required to equip vehicles sold in Kansas with an interoperable and
21 standardized access platform for all of the manufacturer's motor vehicle
22 makes and models. A motor vehicle owner shall be able to grant
23 authorization for use of mechanical data using the standardized access
24 platform.

25 (b) The standardized access platform provided for in this section shall
26 be capable of securely communicating all mechanical data emanating
27 directly from the motor vehicle via a direct data connection to the
28 platform. The platform shall be directly accessible by the motor vehicle
29 owner through a mobile-based application and, upon authorization of the
30 motor vehicle owner, all mechanical data shall be directly accessible by an
31 independent repair facility or a motor vehicle dealer. Such access to
32 mechanical data using the standardized access platform shall be limited to
33 the time to complete the repair of the motor vehicle or for a period of time
34 agreed to by the motor vehicle owner for the purposes of maintaining,
35 diagnosing and repairing the motor vehicle. Such access to mechanical
36 data shall include the ability to send commands to in-vehicle components
37 for purposes of maintenance, diagnosis and repairs.

38 (c) All parts, tools, software and other components necessary to
39 complete a full repair of the motor vehicle, as provided in this section,
40 shall be included and provided to motor vehicle owners and independent
41 repair facilities.

42 Sec. 7. Manufacturers of vehicles sold in Kansas may exclude
43 diagnostic, service and repair information necessary to reset an

1 immobilizer system or security-related electronic modules from the
2 information required to be provided to motor vehicle owners and
3 independent repair facilities under the act. If information to reset an
4 immobilizer system or security-related electronic modules is excluded
5 pursuant to this section, such information shall be made available to motor
6 vehicle owners and independent repair facilities through the secure data
7 release model system used by the national automotive service task force,
8 as in effect on January 1, 2026, or any other known, reliable and accepted
9 data release model system.

10 Sec. 8. A motor vehicle owner or independent repair facility
11 authorized by an owner to make repairs on such owner's motor vehicle but
12 has been denied access to mechanical data in violation of the act, may
13 bring a civil action seeking any remedies provided by law. Each denial of
14 access shall constitute a violation of the act and subject to a civil penalty
15 of \$3,000 per violation or \$10,000, whichever amount is greater.

16 Sec. 9. This act shall take effect and be in force from and after
17 January 1, 2026, and its publication in the statute book.