

SENATE BILL No. 495

By Committee on Commerce

2-6

1 AN ACT concerning motor vehicles; relating to motor vehicle repairs;
2 enacting the motor vehicle right to repair act; establishing the motor
3 vehicle repair board under the supervision of the office of the attorney
4 general; requiring vehicle manufacturers to provide for purchase all
5 diagnostic repair tools, parts, software and other components to motor
6 vehicle owners and independent repair facilities.
7

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

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

12 Sec. 2. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (1) One member to represent manufacturers, appointed by the
36 attorney general;

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

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

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

43 (5) one member to represent motor vehicle dealers, appointed by the

1 attorney general.

2 (b) The chairperson of the board shall be appointed by the attorney
3 general, except that the chairperson shall not be a member that represents
4 manufacturers. All members of the board shall serve at the pleasure of the
5 attorney general. The board shall meet upon call of the chairperson.

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

12 (1) Identifying and adopting relevant standards for implementation of
13 the act;

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

16 (3) creating policies for compliance with relevant laws, regulations,
17 standards, technologies and best practices related to access to mechanical
18 data; and

19 (4) investigating suspected violations of the act.

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

27 Sec. 5. (a) For model year 2002 vehicles, including commercial
28 motor vehicles and vehicles having a gross weight rating of more than
29 10,000 pounds:

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

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

40 (A) Provide diagnostic repair information to each aftermarket motor
41 vehicle scan tool company and each third-party service information
42 provider that the manufacturer has licensing, contractual or confidentiality
43 agreements with for purposes of building aftermarket diagnostic tools and

1 third-party service information publications and systems. Once a
2 manufacturer provides such diagnostic repair information pursuant to this
3 subparagraph, the requirements of this subparagraph shall be satisfied by
4 such manufacturer. Manufacturers shall not be responsible for the content
5 and functionality of aftermarket diagnostic tools or service information
6 providers;

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

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

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

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

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

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

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

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

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

40 (A) A nonproprietary motor vehicle interface device that complies
41 with SAE international standard J2534, SAE international standard J1939,
42 commonly referred to as SAE J2534 and SAE J1939, the international
43 organization for standardization standard 22900, commonly referred to as

1 ISO 22900, or any successor to SAE J2534, SAE J1939 or ISO 22900 as
2 may be accepted or published by SAE international or the international
3 organization for standardization, as appropriate;

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

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

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

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

19 Sec. 6. (a) On or before January 1, 2028, a manufacturer of motor
20 vehicles sold in Kansas, including commercial motor vehicles and vehicles
21 with a gross vehicle weight rating of more than 10,000 pounds, that
22 installs a telematics system on such manufacturer's motor vehicles is
23 required to equip vehicles sold in Kansas with an interoperable and
24 standardized access platform for all of the manufacturer's motor vehicle
25 makes and models. A motor vehicle owner shall be able to grant
26 authorization for use of mechanical data using the standardized access
27 platform.

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

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

1 repair facilities.

2 Sec. 7. Manufacturers of vehicles sold in Kansas may exclude
3 diagnostic, service and repair information necessary to reset an
4 immobilizer system or security-related electronic modules from the
5 information required to be provided to motor vehicle owners and
6 independent repair facilities under the act. If information to reset an
7 immobilizer system or security-related electronic modules is excluded
8 pursuant to this section, such information shall be made available to motor
9 vehicle owners and independent repair facilities through the secure data
10 release model system used by the national automotive service task force,
11 as in effect on January 1, 2027, or any other known, reliable and accepted
12 data release model system.

13 Sec. 8. A motor vehicle owner or independent repair facility
14 authorized by an owner to make repairs on such owner's motor vehicle that
15 has been denied access to mechanical data by a manufacturer in violation
16 of the act may bring a civil action seeking any remedies provided by law.
17 A manufacturer who denies access to a motor vehicle owner or
18 independent repair facility in violation of the act shall be subject to a civil
19 penalty of \$3,000 for each such violation or a total of \$10,000, whichever
20 amount is greater. For purposes of this section, every day such denial of
21 access continues may be deemed a separate violation.

22 Sec. 9. This act shall take effect and be in force from and after
23 January 1, 2027, and its publication in the statute book.