

**ASSEMBLY, No. 931**

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**STATE OF NEW JERSEY**

**212th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblyman REED GUSCIORA**

**District 15 (Mercer)**

**Assemblywoman NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Assemblywoman BONNIE WATSON COLEMAN**

**District 15 (Mercer)**

**Co-Sponsored by:**

**Assemblyman Vas, Assemblywoman Oliver, Assemblymen McKeon, Manzo, Roberts, Fisher, Payne, Burzichelli, Gordon, Chivukula, Hackett, Stack, Cryan, Prieto, Epps, Green and Assemblywoman Voss**

**SYNOPSIS**

"Motor Vehicle Owners' Right to Repair Act."

**CURRENT VERSION OF TEXT**

As reported by the Assembly Consumer Affairs Committee with technical review.



**(Sponsorship Updated As Of: 12/11/2007)**

1 AN ACT concerning the diagnosis, service and repair of motor  
2 vehicles and supplementing Title 56 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. This act shall be known and may be cited as the "Motor  
8 Vehicle Owners' Right to Repair Act."

9

10 2. The Legislature finds and declares that:

11 a. The ability to diagnose, service and repair a motor vehicle in  
12 a timely, reliable and affordable manner is essential to the safety  
13 and well-being of consumers in this State.

14 b. Consumers are entitled to choose among competing repair  
15 facilities for the convenient, reliable and affordable repair of their  
16 motor vehicles.

17 c. Increased competition among repair facilities will benefit  
18 vehicle owners in this State.

19 d. Computers of various kinds are commonly being used in  
20 motor vehicle systems, such as pollution control, transmission,  
21 antilock brakes, electronic and mechanical systems, heating and air-  
22 conditioning, sound and steering.

23 e. The diagnosis, service and repair of these vehicle systems  
24 are essential to the safe and proper operation of motor vehicles.

25 f. In many instances, access codes prevent owners from  
26 making, or having made, the necessary diagnosis, service and repair  
27 of their motor vehicles in a timely, convenient, reliable and  
28 affordable manner.

29 g. Vehicle owners in this State should have the right:

30 (1) to obtain all information necessary to provide for the  
31 diagnosis, service and repair of their vehicles;

32 (2) to choose between original parts and aftermarket parts when  
33 repairing their motor vehicles; and

34 (3) to make, or have made, repairs necessary to keep their  
35 vehicles in reasonably good and serviceable condition during the  
36 expected vehicle life.

37 h. The limitation of access to vehicle repair information  
38 regarding who can repair motor vehicles and what parts may be  
39 used to repair those vehicles limits consumer choice and thus limits  
40 competition.

41

42 3. As used in this act:

43 "Director" means the Director of the Division of Consumer  
44 Affairs in the Department of Law and Public Safety, or his  
45 designee.

46 "Manufacturer" means a person engaged in the business of  
47 manufacturing, assembling or distributing motor vehicles, who will,

1 under normal business conditions during the year, manufacture,  
2 assemble or distribute to dealers at least 10 new motor vehicles.

3 "Model year" means the annual production period of a  
4 manufacturer, that includes January 1st of the calendar year; or the  
5 specific calendar year if the manufacturer does not have an annual  
6 production period.

7 "Motor vehicle" means a passenger automobile or motorcycle as  
8 defined in R.S.39:1-1 which is purchased or leased in the State of  
9 New Jersey or which is registered by the New Jersey Motor Vehicle  
10 Commission.

11 "Motor vehicle equipment" means any system, part, or  
12 component of a motor vehicle as originally manufactured; or any  
13 similar part or component manufactured or sold for replacement or  
14 improvement of a system, part or component or as an accessory or  
15 addition to a motor vehicle; or any device or an article of apparel  
16 (except medicine or eyeglasses prescribed by a licensed  
17 practitioner) that is not a system, part, or component of a motor  
18 vehicle and is manufactured, sold, delivered, offered, or intended to  
19 be used only to safeguard motor vehicles and highway users against  
20 risk of accident, injury, or death.

21 "Repair facility" means a person engaged in the repair,  
22 diagnosing or servicing of motor vehicles.

23 "Vehicle owner" means any person who owns, leases or  
24 otherwise has the legal right to use and possess a motor vehicle, or  
25 the agent of such person.

26

27 4. a. The manufacturer of a motor vehicle shall promptly  
28 provide to the vehicle owner, to a repair facility, and to the director  
29 for use by any vehicle owner or repair facility, the information  
30 necessary to diagnose, service or repair a motor vehicle. The  
31 information shall include:

32 (1) information necessary to integrate replacement equipment  
33 into the vehicle; and

34 (2) other information, as determined by the director, that is used  
35 to diagnose, service, repair, activate, certify or install any motor  
36 vehicle equipment in a motor vehicle.

37 b. (1) A manufacturer shall not be required to publicly disclose  
38 information that, if made public, would divulge methods or  
39 processes entitled to protection as trade secrets of that  
40 manufacturer, but may be required to disclose that information to  
41 the director for the purpose of determining whether that information  
42 is entitled to such protection. The determination shall be made on  
43 the record after an opportunity for an agency hearing.

44 (2) No information may be withheld by a manufacturer if that  
45 information is provided either directly or indirectly to franchised  
46 dealers or other repair facilities.

1       5. a. Not later than 180 days after the date of enactment of this  
2 act, the director shall prescribe rules setting forth a uniform method  
3 by which a manufacturer shall provide the information required by  
4 subsection a. of section 4 of this act, including disclosure in writing,  
5 on the Internet, or in any other manner, or under other terms the  
6 director determines may be appropriate. These rules shall take  
7 effect for vehicles manufactured after model year 1994.

8       b. The director shall not prescribe rules that:

9       (1) interfere with the authority of the Administrator of the  
10 Environmental Protection Agency under section 202(m) of the  
11 "Clean Air Act" (42 U.S.C. 7521(m)) with regard to motor vehicle  
12 emissions control diagnostics systems; or

13       (2) conflict with rules prescribed by the administrator under that  
14 section.

15

16       6. Any person who violates any of the provisions of this act, in  
17 addition to any other penalty provided by law, shall be liable for a  
18 penalty of not more than \$10,000 for the first offense and not more  
19 than \$20,000 for the second and each subsequent offense.

20       A vehicle owner or repair facility may bring a civil action to  
21 enjoin a violation of this act and to recover the costs of litigation  
22 including reasonable attorney and expert witness fees.

23

24       7. This act shall take effect on the 180th day following  
25 enactment.