

## Hanging Tough on Right to Repair



A handwritten signature in black ink that reads "Kathleen Schmatz".

**Kathleen Schmatz**  
AAIA President & CEO

**AAIA has been fighting** the car makers for equal access to diagnostic and repair information for the independent aftermarket since 2001 through the Motor Vehicle Owners' Right to Repair Act, and before then in the 90s with the Clean Air Act. For more than a decade, the association has doggedly fought for the independent service and repair businesses and for the consumer.

While we have not yet passed legislation or convinced the carmakers to come to the negotiating table to discuss a non-legislative agreement with real teeth, some might say we have been winning.

We and our partner organizations have succeeded in securing Congressional sponsors to introduce legislation every year since 2001 and we have

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We understand there is Right to Repair Act fatigue out there in parts of the industry. Obtaining legislation is costly and frustrating. But, as a trade association, we must do all that we can do for as long as we can to require the OEs to provide the same service information and tools to the independent service providers as they do to dealerships, to ensure that consumers have a choice in where they take their vehicle for service and repair.

I am convinced that if it was not for the unrelenting pressure of the Right to Repair Act, the amount of information that is currently available to independent repair shops would not be there.

worked hard in several states. At this time Massachusetts is a key battleground and everyone is watching.

And speaking of Massachusetts, if the Right to Repair Act is not necessary because all of the information is already available as the carmakers and dealers and ASA claim, then why the heck are they spending so much money and time in Massachusetts to kill the bill? They have employed more than 40 lobbyists and launched media advertising for an estimated total monthly investment of \$500,000.

Maybe there is more at stake in this battle for the car companies and dealers than they are letting on? Be sure to read the article on page 8. ■

# INVESTIGATING THE COLD, HARD TRUTH ABOUT THE RIGHT TO REPAIR BATTLE

If car companies believe that Right to Repair is not needed because all of the information is available to independents, then why are they spending so much money fighting it?



## THE COLD, HARD FACTS

Anyone who has followed the debate about the Motor Vehicle Owners' Right to Repair Act has little doubt that the coalition comprised of the car companies, dealers and the Automotive Service Association (ASA) has been committed to defeating Right to Repair, both at the federal level and in the states. The act is bipartisan legislation that would require automakers to provide the same service information and tools to independent auto and maintenance shops, as well as to consumers, that the automaker dealership service centers receive (see sidebar).

One only has to look at Massachusetts to get an idea of the extent the car companies, dealers and ASA are willing to go to defeat a Right to Repair bill under consideration in Boston.

**TRUE OR FALSE:** Money talks in Massachusetts.

**TRUE.** Massachusetts car companies and dealers have employed more than 40 lobbyists and, combined with their advertising efforts, Massachusetts car companies are spending up to at least \$500,000 a month directed at killing Right to Repair! These car companies have also enlisted the lobbying prowess of the labor unions based on allegations that the legislation will ship car company and parts manufacturing jobs overseas. *Sidenote: Interestingly,*

*the United Auto Workers (UAW) in Massachusetts is involved, but there are no vehicle or parts manufacturing plants in the state.*

**TRUE OR FALSE:** Right to Repair would threaten ASA's manufacturer agreement.

**FALSE.** Although ASA claims that their opposition to Right to Repair is necessary because they have negotiated a "voluntary" agreement with the manufacturers, there is nothing in the Right to Repair

legislation that threatens it. It would actually strengthen the promises by the manufacturers by requiring them to make information and tools available. *Sidenote: ASA only represents a small percentage of the independent shops in the U.S., and it is spending its limited resources to fight legislation that could mean long-term access to the information and tools that their members need.*

**TRUE OR FALSE:** Right to Repair is a guise for independent aftermarket parts manufacturers

to steal trade secrets from the car companies so they can build cheap knock-off replacement parts overseas.

**FALSE.** This is a fallacy that the car companies are using to dissuade legislators from supporting the bill. The Right to Repair bill has nothing to do with parts. The bill only requires car companies to share information used to maintain and repair vehicles. Further, the legislation provides significant protections for car company trade secrets.

**TRUE OR FALSE:** All of the information that independents need from the car companies to properly repair cars is available.

**FALSE.** There are still significant gaps in the availability of information, especially reinitialization and reprogramming capabilities. These codes are often protected by manufacturers in the name of vehicle security, but can impact everything from body control modules to the rear flashers on a vehicle.

**TRUE OR FALSE:** The vast majority of aftermarket parts are as good, or better, than the car companies' they replace.

**TRUE.** Oh yes, and they are normally more affordable, too.

**TRUE OR FALSE:** Right to Repair would encroach upon car companies' intellectual property.

**FALSE.** Right to Repair legislation introduced in Congress and in the states includes significant protections for car company intellectual property, requiring them to only provide the same information and tools they provide their new car dealer franchise.

**TRUE OR FALSE:** The existence of the National Automotive Service Task Force (NASTF) negates the need for passage of Right to Repair legislation.

**FALSE.** NASTF only employs one person and serves solely as a point of distribution, collecting information requests from independents and then sending those requests to the appropriate car company for response. Further, responses to information requests from independents often take weeks and in some cases months, which would explain why most shops have found NASTF of little use in obtaining answers to their service information questions.

**TRUE OR FALSE:** All car companies are participating in NASTF.

**FALSE.** There is no legal requirement that car companies participate. *Sidenote: There is a service information agreement that would permit an independent to go to arbitration over an information request, however that agreement was not signed by General Motors, Chrysler or BMW.*

**TRUE OR FALSE:** The value and importance of the legislation are overshadowing the opponents' efforts, and the Right to Repair Act continues to garner support.

**TRUE.** Federal Right to Repair efforts continue to gain support in both the House and Senate, and notwithstanding these daunting efforts, still continues to receive strong support in the Massachusetts legislature.

## THE POWER OF YOUR VOICE IS PRICELESS!

It may be hard to match the car companies dollar for dollar, but when it comes to numbers, the independents can keep our industry in the game and hopefully one day lead to enactment of a Right to Repair bill. Be a part of the industry's efforts to pass Right to Repair both in Congress and in the states. Go to [www.righttorepair.org](http://www.righttorepair.org) and send a letter to your elected official. In addition, if you have locations in Massachusetts, please contact your House and Senate officials and call on them to pass Right to Repair. More information on the Massachusetts effort can be found at [www.massrighttorepair.com](http://www.massrighttorepair.com).

In the 111th Session of Congress, the Motor Vehicle Owners' Right to Repair Act has garnered bipartisan support in both the House and Senate. The house bill (H.R. 2057) currently has 66 co-sponsors and the Senate version (S. 3181) has the support of four co-sponsors.

The National Automotive Service Task Force (NASTF) was formed in 2000 to encourage members of the automotive service industry, the equipment and tool industry, and automotive manufacturers to collaborate to ensure that automotive service professionals have the information, training, and tools needed to properly diagnose and repair increasingly high-tech vehicles.