

Massachusetts Right to Repair: Where Do We Go From Here?

Thursday, April 25, 2013

Hyatt Regency Mission Beach

History of Massachusetts Bill

- June, 2007 First right to repair introduced in Massachusetts
- Passed by Committee three times and by State Senate twice
- September, 2011 State Attorney General Approves referendum for Nov. 6 ballot
- July, 2012, Coalition turns in signatures necessary for it to appear on ballot

History continued

- June, discussions take place between car companies and aftermarket
- July 31 at 10am car companies, dealers and aftermarket reach deal
- July 31 at midnight, bill is passed by Senate and heads to governor
- August 7, governor signs bill into law

History continued

- Late deal means that deadline to remove referendum from ballot passes
- Although little campaigning on either side, ballot measure passes 85 – 15 percent, largest margin of victory in Commonwealth history

Motor Vehicle Owners' Right to Repair Act

Key provisions of Massachusetts Right to Repair bill include:

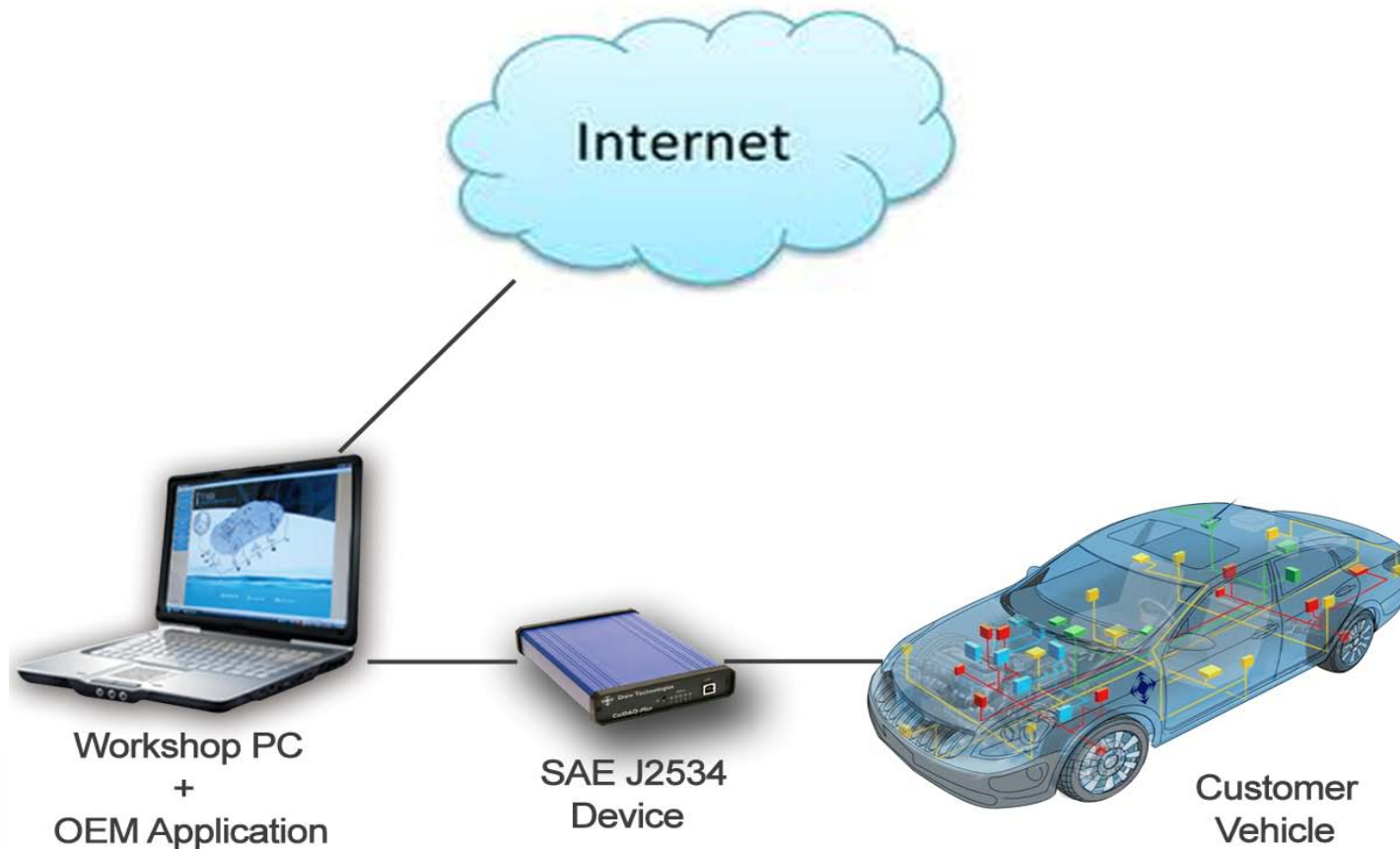


- Immediately, car companies are required to make available to independents on “fair and reasonable terms,” the same tools, software, and repair information that they make available to dealers.
- By model year 2018 (translates into 2017) manufacturers required to establish web sites or “clouds” that will contain the same information and software that dealers have access to as part of their proprietary tools.

Right to Repair cont'd

- Must use non-proprietary vehicle interface meeting either SAE J2534 or ISO 22900 standards.
- Car companies must make available diagnostic repair information to aftermarket scan tool companies and to third party service information providers with appropriate licensing contractual or confidentiality agreements.
- Failure to comply deemed to be an “unfair method of competition and an unfair or deceptive act or practices in the conduct of trade and commerce” and subject to legal action under consumer protection statute, 93A.

2018 Model Year System



Benefits to Independents

- Access to most updated software and information
- Reduce need for purchase of proprietary tools
- Ability to obtain software for any vehicle
- Strong enforcement for non-compliance

What Happens Now

- Car companies and aftermarket attempting to pass “reconciliation measure to resolve differences
- Car companies, AAIA, and CARE have been meeting to discuss a national agreement based on Massachusetts
- AAIA has joined the board of NASTF

Major Questions

- What would national agreement look like?
 - What about NASTF?
 - Enforcement?
- How do we address telematics?
 - Agreement from all parties
 - Next legislative battle

NASTF

- Needs better recognition by industry
- Improved resources to investigate and resolve issues
- Serve as forum to resolve industry issues regarding access to information, software and tools

Telematics

- There are two parts to resolving the telematics issue:
 - Do car owners have control over the information produced and sent by their vehicle?
 - If they could send information to the independent aftermarket, could they read and use it?

Next Steps on Telematics

- Establish aftermarket coalition to spearhead effort
- Press car companies for cooperation over legislation
- Work with SAE and Europe to develop technical solution

Thank You!

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