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'Right-to-Repair' Issue Advances

Talks are underway by different parties involved in the Right-to-Repair debate to create a national Memorandum of Understanding between car manufacturers, independent repair shops and consumers that would ensure that repair shops unaffiliated with the manufacturers are allowed access to the technical information and tools they need to fix consumers' cars.

The MOU could be based on a "reconciliation" bill the Massachusetts Senate might take up as soon as Nov. 20 that would resolve discrepancies between a Right-to-Repair measure the legislature passed in August and a referendum that state voters subsequently passed that deals with the same issue. The state's House of Representatives passed the reconciliation bill earlier this month.

Such legislation seeks to prohibit car manufacturers from preventing owners and independent repair shops from getting access to certain kinds of information (such as software updates) that are needed to make certain repairs, and that are available to dealers.

Proponents say this assurance is needed because, without it, manufacturers can quash competition from independent shops by withholding certain technical information needed to fix their customers' cars.

Sal Risalvato, executive director of the New Jersey Gasoline, Convenience, Automotive Association, said auto technicians and consumer advocates in that state have been trying to get such a law for years. The Assembly's Consumer Affairs Committee passed a version on Nov. 18, but it's not expected to go anywhere this legislative session, according to Kari Osmond, chief of staff of one of the bill's co-sponsors, Reed Gusciora (D-Trenton). But it's likely to be re-introduced in the next legislative session, next year, Osmond said.

Risalvato, explaining why the measure is needed, said in a statement, "All too often, I have members that must tell their loyal customers that they cannot complete a vehicle's repair -- not because their mechanics lack the technical ability to fix the problem -- but because even after a part is correctly installed, it will not function properly until certain codes and software are downloaded to the vehicle's computer system. This information is currently protected by manufacturers and not shared with independent repair shops in order to make it more difficult for independent mechanics and technicians to compete with manufacturers and car dealerships, despite consumers' wishes."

Dan Gage, a spokesman for the Alliance of Automobile Manufacturers, said such concerns are outdated. He said manufacturers need independent repair shops to be able to fix their cars because of the demand.

The automobile alliance, an association of 12 passenger car and light truck manufacturers, had sent a letter to the New Jersey legislature's Consumer Affairs Committee discouraging action on the bill there. The group doesn't want a patchwork of state laws, Gage said.

It wants the bill being hammered out in Massachusetts to be the template for a national Memorandum of Understanding.

"Since automakers do not build cars for sale specific to one state, this new Massachusetts law will benefit consumers across the country," the alliance stated in its letter to New Jersey legislators.

The Consumer Affairs Committee in New Jersey approved the measure anyway. Osmond said the New Jersey bill's sponsors wanted to move forward because of uncertainty over when things would get done in Massachusetts.

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