



February 11, 2025

The Honorable C. T. Wilson
Chair, House Economic Matters Committee
House Office Building
Annapolis, Maryland 21401

RE: HB 843 - Consumer Protection - Motor Vehicles - Right to Repair
Position: Unfavorable

Dear Chair Wilson:

On behalf of the Alliance for Automotive Innovation (Auto Innovators)¹, I am writing to request an **Unfavorable report on HB 843**, a bill seemingly filed under the premise that independent repair shops need a law to ensure that they have access to the information from automakers necessary to diagnose and repair a vehicle. This premise is simply wrong. Here's the truth: **Automakers already make available to independent repair businesses all the information needed to diagnose and service a vehicle.**

Competition is alive and well in the automotive repair industry when it comes to right to repair. In fact, consumers have a wide range of options on where to seek service or repair; these include a dealer repair facility, a national chain repairer, or an independent repair facility. Individual vehicle owners may also choose to repair the vehicle themselves. In fact, over 70 percent of post-warranty repair work is performed outside of an automaker's authorized dealer network today. This is the very definition of consumer choice, and only possible because automakers make available all needed repair information.

This commitment was codified as the 2013 Massachusetts Automotive Right to Repair law, which guaranteed independent repair facilities access to the same information and tools needed to diagnose and repair vehicles that are provided to auto dealers, while respecting consumer privacy and maintaining cybersecurity protections. This was followed by a 2014 MOU to apply Massachusetts' law nationwide.

As vehicle technology is constantly evolving, the 2014 MOU was revisited and expanded in 2023, when Auto Innovators partnered with the Automotive Service Association (ASA) and the Society of

¹ From the manufacturers producing most vehicles sold in the U.S. to autonomous vehicle innovators to equipment suppliers, battery producers and semiconductor makers – Auto Innovators represents the full auto industry, a sector supporting 10 million American jobs and five percent of the economy. <https://www.autosinnovate.org/>

Collision Repair Specialists (SCRS) to announce a new national repair agreement that ensures repairer access to all information needed to complete a repair, including vehicle telematic data as required. The agreement established working groups to address new technologies when developed and a commitment to work together in support of national legislation on the subject.

It is important to underscore that ASA and SCRS represent real repairers, in fact thousands of collision and mechanical repair professionals and small businesses in all 50 states. On the contrary, many of the parties active in the right to repair space try to give the impression to policymakers that they represent repairer interests, while really working on behalf of companies with a financial interest in selling more aftermarket parts. As an example, Massachusetts and Maine both saw ballot questions on the subject put before voters for consideration (after failing to see favorable consideration by the respective legislative bodies in those states). In each case, 99.99 percent of the monies to support the campaigns came from out-of-state automobile part manufacturers, distributors, and retailers. To be clear, this is not a groundswell of repairers clamoring for access to needed information they do not have today, but a carefully orchestrated effort by public relations professionals.

The reality is that independent repairers and automakers work together in service to their shared customers – vehicle owners. To make it even easier for repairers to retrieve the information needed to repair a vehicle, automakers created a one-stop location online, www.OEM1stop.com, to serve as a gateway to access every automaker's individual repair website. And if repairers ever have a problem accessing needed information, there is the National Service Information Task Force (NASTF) to help provide direction. NASTF has employees on staff to help repairers find information to properly conduct a vehicle repair. While NASTF continues to field calls from repairers, often the calls seeking "missing information" are simply a case of not knowing where to look on an automaker's repair website. For example, a calibration sequence for a blind-spot monitoring sensor could be listed under Safety Systems for one automaker, and under Electrical Components for another. Repairers can also go straight to the source, calling an automaker directly. Automakers maintain toll-free lines for repairers to contact in the event a repair cannot be completed.

So, how is it going? In the Federal Trade Commission's 2021 Nix the Fix report about consumer repair options across all sectors cited the automotive industry as an ideal model for other industries to follow when looking to ensure consumer repair options. Specifically, the report states the automotive MOU *"...had the effect of creating a broad, if not complete, right to repair in the automotive industry across the United States"*² and *"While the car manufacturing industry has taken important steps to expand consumer choice, other industries that impose restrictions on repairs have not followed suit."*³

² Federal Trade Commission, *Nixing the Fix: An FTC Report to Congress on Repair Restrictions* (May 2021), available at, https://www.ftc.gov/system/files/documents/reports/nixing-fix-ftc-report-congress-repair-restrictions/nixing_the_fix_report_final_5521_630pm-508_002.pdf, p. 45

³ Ibid, p. 6

Some may suggest that simply passing another law that requires the same obligations as the Massachusetts law would be a “belt and suspenders” approach to this issue. We strongly discourage this course of action. Even if a law could be perfectly crafted to mirror the statute of another state, the problem would arise when the underlying laws ultimately need to be updated to reflect changes in new technology, for example. With only one law anchoring the repair practices of the industry, the discussion is rather simple to identify and address newfound needs. Were there to be multiple laws governing the same hardware on a vehicle, automakers would be in the unfortunate position of manufacturing two different vehicle models to comply with state-specific regulations if those laws were not amended at the exact same juncture.

It is also worth noting that the 2020 ballot question in Massachusetts has been the subject of a 4-year federal trial, which has yet to be resolved. The issue at hand in that case is whether automakers can comply with the obligations of the ballot law, and still comply with cybersecurity guidelines issued to automakers by the National Highway Traffic Safety Administration (NHTSA), the country’s lead regulator on roadway safety. In a 2023 letter directing automakers not to follow the Massachusetts law, NHTSA stated the law could create “serious safety risks” and that a malicious actor here or abroad could, “utilize such open access to remotely command vehicles to operate dangerously, including attacking multiple vehicles concurrently.” House Bill 843 is a near carbon copy of the law still being contested in federal court.

Given the current dynamics of the independent repair marketplace, we request an Unfavorable report on HB 843.

Thank you in advance for your consideration of our views. For more information, please contact our local representative, Bill Kress, at (410) 375-8548.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Josh Fisher". The signature is fluid and cursive, with the first name "Josh" and last name "Fisher" clearly distinguishable.

Josh Fisher
Senior Director, State Government Affairs
Alliance for Automotive Innovation