

Right to Repair

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Abstract

The Right to Repair has been around for years and the fight is growing stronger and stronger every year. Auto manufacturers have pushed back against the aftermarket's wanting to contribute and assist customers in their auto repairs. Giving the power back to the consumers will give business to both the aftermarket and the manufacturer and allow both sides to reap the reward. It is crucial to understand what the Right to Repair is, and why it is important to consumers across the nation. The Right to Repair movement is not limited to the United States, with discussions occurring in Australia, France, and other countries around the world. Aside from the automotive industry, the Right to Repair is also a factor in agriculture and everyday handheld devices that consumers use daily. Automakers have been fighting against the aftermarket's Right to Repair Act. Some automakers are taking steps to release data to the consumer while others are not. The Right to Repair movement has entered the political realm in Massachusetts. The voters overwhelmingly supported the Right to Repair, and it had seemingly passed. That is until the Automakers sued the state addressing that they could not comply with the requirements in the time given. The judge has delayed 7+ times and still has not come to a decision in the case.

Right to Repair. This is something that should be on the mind of everyone in the industry and in the world. From the author's perspective let's picture for a second you own a 2016 Chevy Silverado, and your check engine light appears on your dash. In your city, there is one aftermarket shop that you always go to get your repairs done. Unfortunately, your repair shop doesn't have access to retrieving the codes and fixing the problem as the manufacturer has locked your data so that the only ones that can access the information are them. You take your vehicle to your local GM dealer only to find out that one of your O2 sensors went bad and needs to be replaced. You become frustrated once you receive your bill for \$250.00 when you could have had your aftermarket repair shop complete the job complete it for over 50% cheaper than the OEM dealer. The Right to Repair is an ongoing fight between the aftermarket and the manufacturer that consists of giving the customer more control over their vehicle and where to get it repaired.

The history of the Right to Repair is long and it can be difficult to understand what is affected by this and that it is not just automotive-related. Other industries like agriculture and individual property like computers and cell phones are all affected by the right to repair and the injustices that manufacturers are doing to essentially hurt consumers and restrict them the freedom to repair their items where they please. In the past, people could fix tools and equipment without seeking approval from the manufacturer and individuals could fix the problem without seeking assistance from the manufacturer via service bulletins or other forms of manufacturer communication, as far back as the 1950s corporations and consumers have been fighting to decide whether consumers should be allowed to fix machines without the manufacturers' consent. Repairability as a consumer right was first contested in court against IBM in 1956 (Hatta, 2020) The case consisted of a judgment handed down in trial over IBM'S refusal to allow

its customers to repair the machines, IBM during this time possessed a high position but even though they contained superior rights it was settled that they were forced to give in to the courts demands and give up the parts needed for the customer themselves to complete the job. This is just one of the court cases that brought the idea of giving consumers more power in making decisions on who, where, and how their products get replaced and how much out-of-pocket it was going to cost the consumer (Hatta, 2020).

Historically, products were made to be durable and to last a lifetime so that consumers didn't have to replace products quickly and were forced to upgrade to the next best thing. Henry Ford stated that he wanted individuals who purchased his products to never have to purchase another one again by supplying the vehicle with high-quality products that will last a lifetime. Although his logic made sense auto manufacturers including Ford agreed that it was best for the manufacturers to have a network of certified shops to do repairs for their vehicles as manufacturers wanted certified parts installed using specialized tools to get the job done (Hatta, 2020). This ideology allowed manufacturers to push the envelope and make it nearly impossible for aftermarket repair shops to retrieve any business damaging the aftermarket economy and promoting the OEM economy. The aftermarket's struggle from this movement was large, it forced many mom-and-pop shops to close their doors as they were unable to complete the services necessary for the consumers because they didn't have valuable resources to complete the jobs asked by the consumer (Hatta, 2020).

Not only did auto manufacturers decide to make the parts for their vehicles not as durable, but they also decided to do other things such as requiring special tools, no guides for technicians to fix the problem to meet OEM standards, making parts incompatible, changing model numbers, and prohibiting access to repair shops to access and modify internal structures

due to patents and copyright laws (Hatta, 2020). All these issues significantly impacted aftermarket repair shops and consumers as they prevented shops from earning potential business by receiving the proper tools, and service bulletins needed to safely fix the vehicle as they were not OEM dealerships. This also affects consumers by not allowing them to drive to their trusted repair man, and instead drive to their local OEM dealerships and fear getting ripped off and having the problem potentially not get fixed properly forcing them to return and spend more money (Hatta, 2020).

In 2012 Massachusetts became one of the first states to pass the first automotive right-to-repair legislation in the United States. The legislation maintained that all auto manufacturers provide replacement parts and manuals to consumers when repairs are necessary (Montello, 2020). This law became a ripple effect that stretched across the United States and affected all fifty states then the address was simple: Allow consumers to have access to manuals and parts for their vehicle and the equipment and software that is submerged in the products they purchase. Congress later took steps towards working on making the right to repair nationwide, the DMCA; Digital Millennium Copyright Act allowed consumers to repair “certain software-embedded devices without committing copyright infringement.” (Montello, 2020) but unfortunately for consumers, it didn’t make much of a difference as they only affected motorized land vehicles and other household technology. When looking at this first glance it is a good idea as it will continue to protect the safety of drivers and prevent them from the ability to alter the performance and safety features of the vehicle which could lead to harm or death of the driver, their passengers, and other drivers on the public road. The Right to Repair is important when relating it to the DRM and DMCA as it can protect the safety and performance features of vehicles for consumers

while also allowing the aftermarket the opportunity to gain credibility and help consumers on a potentially lower cost scale (Montello, 2020).

Technology innovation has been gaining lots of momentum and has propelled us to the future that we are living in today and the future that is yet to come. Auto manufacturers have propelled themselves to create the next big thing for the industry and give consumers more impossible options. Innovation and the right to repair both seek to improve the lives of consumers and it is important to allow consumers to have access to fixing their vehicle issues. Manufacturers are being more technological with their vehicles, and sometimes are being to techie for their own good. An article on Intellectual Property Law and the Right to Repair states that the “right to repair, in other words, is an essential component of a legal environment conducive to user innovation.” (Grinvald & Tur-Sinai, 2019) All users have different ways of fixing products, updating existing products, and finding new ways to make the product more enjoyable for others (Grinvald & Tur-Sinai, 2019).

From performance updates to luxury upgrades, some consumers in the auto industry want to make their vehicles stand out from the competition. From the author's perspective, we feel that users being able to tinker with their vehicles allows them to also design something new and fresh and potentially create a spin-off of a product that improves the vehicle quality and potentially updates the safety of the vehicle as well. Let’s take exhaust systems as an example. Lawmakers are trying to eliminate allowing consumers to make their vehicles louder and dealerships are refusing to do “upgrades” for consumers as it eliminates safety features and can be a liability to the dealer. Having the right to repair it allows consumers to go to an aftermarket shop and allow them to do the work without facing possible retribution from the OEM and allowed DIYers to

work on the vehicle themselves and be able to clear codes and bypass certain sensors for the vehicle to run properly.

The Right to Repair is crucial to not only the future of the aftermarket but is crucial to the future of DIYers across the country who want to have the ability to work on their vehicles and do upgrades that don't always fit the guidelines of the OEM. The history of the right to repair is long and it is important for legislators at both the state and federal levels to establish laws to protect the rights of consumers, and aftermarket repair shops and allow consumers to openly, and freely decide where, or who services their vehicle. In an article published by Autowares.com Mike Carr the Director of Information Technology for Auto-Wares Group of Companies, stated that "Auto-Wares' customers will be directly affected by not having access to this vehicle data. Without this data, they will not be able [to] effectively repair their customers' [vehicles]. Also, as consumers, we will not be able to work on our [own vehicles]. Most repairs would have to be performed by facilities authorized by the vehicle manufacturers, the ones that allow access to the vehicle's data" the ones that hold the power." (*The Fight Continues for Your "Right to Repair" – Auto-Wares Newsroom, 2023.*) This is a threat to not just the aftermarket but to DIYers across the country who have the knowledge and capabilities to service these vehicles (*The Fight Continues for Your "Right to Repair" – Auto-Wares Newsroom, 2023.*).

For the future of the aftermarket to remain, we must take action to protect aftermarket service shops across the country and allow them to have access via technology, and specialized tools to be able to service all makes and models. This will save consumers the headache and anxiety of taking it to their local OEM dealer who will potentially charge higher prices, and not assess all the customers' needs and concerns. Not only will it save consumers on the light-duty side but the commercial vehicle side as well.

The commercial vehicle side, especially fleet companies, rely on the ability to fix their trucks quickly or take them to an aftermarket repair shop to avoid downtime. In a lecture at Northwood University Collin Shaw, the Chief Commercial Vehicle Officer and COO of OE Suppliers at Mema stated that on average one hour down costs a fleet company seven days to recover the amount of time that was lost due to vehicle malfunctions (Shaw, 2023). This is crucial not just to the trucking companies but to businesses who use them to transport goods across the country. America relies heavily on our trucking industry and keeping them sidelined during the pandemic displayed heavy repercussions. Having trucks sidelined for several days or weeks can be catastrophic to the global economy (Shaw, 2023).

This fight is only just beginning, and it is going to take a lot of time, money, and resources to come to a viable solution for both parties involved. Auto manufacturers will continue to make it tough for the aftermarket to gain any leverage in gaining any power to repair vehicles, but it is important to keep pushing the envelope towards equality, and giving consumers the power to decide who and where they provide the business to. Now let's dive deeper into what has been done so far to help push the right to repair, and what more needs to be completed to give consumers the freedom to service their vehicles where they would like.

The first major legislative issue for Right to Repair surrounded the On-Board Diagnostic 2 (OBD2). The OBD2 port was standard in all gasoline-powered vehicles in the United States initially to offer emissions data. A bill introduced in Massachusetts would require all auto manufacturers to comply with non-proprietary access to the vehicles' data for means of repair. They needed to standardize the connection port across the industry so it could all be accessed by the same technology (Otonomo. 2021). Much of the information was previously available, and

the automakers did not show a strong pushback, to show their openness to working with the aftermarket. In 2014 the Massachusetts bill was adopted nationally (Otonomo, 2021).

It is important to recognize why Massachusetts was chosen as the state to begin legislative efforts. There are no auto manufacturers or assembly plants in the state. This was very important to the aftermarket organizations driving change. Pushing in a state where automakers do not have influence over hundreds or thousands of employees allowed for a more unbiased election. A state like Michigan that has a rich history of auto manufacturers would greatly influence the outcome of a vote (Crivelli et al.).

The bigger issue today as described before is the issue with telematics data. When the original OBD2 legislation was passed it included little to nothing to do with telematics. In the modern world, almost everything is transmitted through cloud data rather than a direct import. When the legislation went through, telematics was not used for much more than systems like Star. Automakers began using more and more telematics data to record speed, fuel efficiency, vehicle weight changes, etc. (Crivelli et al.).

The consumer does not have access to this data, and this leads to the independent aftermarket being cut out as well. This led to future legislative advancements by the Auto Care Association, CAR (Consumer Access to Repair), and others to continue to push for consumers to be able to control their data. They decided to again go to Massachusetts to expand the previous legislature to include telematics data. They introduced a new Right-to-Repair bill that would force automakers to make the data received available to independent repair shops. The bill was open to voters in 2020 when it was overwhelmingly passed with 75% of voters agreeing with the bill (Murphy, 2021).

The bill was supposed to go into effect by 2022. With Automakers left to make the changes so that the data could be easily accessed by any independent repair facility. However, that has yet to come to fruition because soon after a lawsuit was filed against the state of Massachusetts. Alliance for Automotive Innovation VS. Healey (Murphy, 2021). The automakers are stating that they cannot comply with the bill under the time constraints required. As well as it is a cyber security issue. Specifically, that vehicles transmit location data and that it can potentially leave auto owners at risk if their data is more easily accessed. They also fear it could lead to a whole system shutdown if all the data is connected crippling the automakers and risking thousands of people's data (Marshall, 2022). There has still been no decision in the lawsuit. The judge presiding over the case has delayed their decision over 7 times. With the bill originally set to take place in 2022 we are now in 2023 and there is still no decision in sight. Both the Automakers and Auto Care Associations are not ready to back down. (Marshall, 2022)

Due to the support that is shown in Massachusetts from voters, with 75% of voters voting in agreement with the Bill. A group of bipartisan lawmakers in the US House of Representatives has reintroduced the bill. It is a bipartisan effort to understand how greatly the light-duty and heavy-duty aftermarkets affect the economy. They are receiving support from some of the same organizations that were involved in Massachusetts. Mema Aftermarket, The Auto Care Association, CAR, and SEMA are all involved at the national level (PRN, 2021).

Just like at the state level, this bill serves the same purpose of ensuring that vehicle owners and their preferred service providers have access to all the vehicle's data to ensure all types of repairs can be made wherever the owner chooses to do so (PRN, 2021). It would be required for automakers to make all tools, data, and equipment available to the independent repair market while maintaining cybersecurity. The National Highway Traffic Safety

Administration (NHTSA) will be charged with developing standards for how vehicle-generated data will be securely accessed. Automakers will also be required to inform vehicle owners that they can choose where and how their vehicle gets repaired (PRN, 2021). In addition, a stakeholder advisory committee with the authority to make recommendations to the FTC will be established. They will provide assistance on emerging barriers affecting the repair market and will create a way for vehicle owners and independent repair shops to file complaints with the FTC if the Repair Act is violated (PRN, 2021). The lawmakers behind the bill include United States Reps. Neal Dunn (R-FL), Brendan Boyle (D-PA-02), Warren Davidson (R-OH-08), and Marie Gluesenkamp Perez (D-WA-03). Representative Dunn is a member of the House Energy and Commerce Committee, which has responsibility for consumer protection and where the bill is being referred. (PRN, 2021)

"When it comes to repairing their automobiles, consumers deserve options," said Representative Dunn. "The REPAIR Act would give owners, including the rural communities in my district, secure access to critical data so the service center of their choosing can replace parts and repair their vehicles. I am proud to support competition in the vehicle repair industry and this important legislation." As mentioned before the REPAIR Act is a bipartisan solution to improve vehicle data access laws to give working families more choices for repair when their car breaks down," said Representative Gluesenkamp Perez. "I appreciate Representatives Dunn, Boyle, and Davidson for their leadership on this issue, and look forward to working in a bipartisan fashion to improve repair laws for families who work for a living." (PRN, 2021).

As of now, the REPAIR Act is the only bill that addresses repair issues for vehicles. One of the main drivers towards this being a bipartisan solution is due to the heavy-duty market. In the US semi-trucks carried 72.5% freight by weight. The industry pulled in \$875.5 billion in

revenue in 2021 with 3.5 million truck drivers. This legislation will help keep the industry on the road and hopes will help keep shipping prices lower than before (PRN, 2021).

The bill is still in the House and there is no known timeline for when the bill will see any movement. With the new members of the House of Representatives just taking their seats they will presumably take some time to visit the proposed bill. However, it has a lot of popularity and expected momentum due to an executive order by President Joe Biden signed on July 1st, 2021. The Executive Order on Promoting Competition in the American Economy aligns directly with the REPAIR Act. This Executive order calls for companies to use technology to collect data that they can use for their own gain. This relates to telematics data which is the focal point for the REPAIR Act (The White House, 2021).

The legislation currently taking place is similar to the long-standing Magnuson-Moss Act. It does not focus directly on the independent repair market. Rather they are similar in that they give consumers more information about the vehicles they own. The Magnuson-Moss Act was passed in 1975 and governs warranties on consumer products. It requires products \$15 or more to have a written warranty in plain language that the OEM cannot disclaim or limit consumer rights. It allows consumers to have power over the products they're purchasing knowing that if it fails under normal use they are protected (FTC, n.d). Magnuson-Moss also helped create avenues for legal action against manufacturers for violating the law. This will certainly be used as a precedent for creating a framework for vehicle owners and independent repair shops to report violations if the Right to Repair Act is to go through.

Over the past decade, we have seen a push for consumer choice. Whether it comes from the automobile industry, agriculture, cell phones, or even household appliances there have been many pushes forward at the state and national levels. It is the combined effort of these industries

that will prove difficult for manufacturers to overcome. The laws are in the hands of the people, and they have shown they will vote for choice. If the industries join together to support a general Right-to-Repair act for all consumer products it will likely speed up national legislators to push the bill forward.

The Right to Repair effort is not only occurring in North America but internationally as well. Australia and multiple countries in Europe are involved with the right to repair. Most noticeably, in 2019 the Australian government proposed a mandatory car repair scheme to encourage the shared use of car repair data between car manufacturers and independent car repair shops (Wiseman et al., 2020). After further research, Australia has had a similar process with the right-to-repair movement. In 2014, Bruce Bilson, the then Minister for Small Business started discussions with multiple industry associations including the Australian Automotive Aftermarket Association (AAAA) and Federal Chambers of Automotive Industries (FCAI). Despite a seemingly positive start, Bilson was later informed by the AAAA that the FCAI was withdrawing from negotiations (Wiseman et al., 2020).

The following year in 2015 the FCAI partook in amending the “Voluntary Code of Practice for Access to Service and Repair Information for Motor Vehicles”, but the amendment was rejected by the AAAA as it did not comply with the 2014 Heads of Agreement (HOA). In 2019, a mandatory scheme was issued to “provide a level playing field in the sector and allow consumers to have their vehicles safely repaired by the repairer of their choice” (Wiseman et al., 2020). The main objectives of the mandatory scheme were for consumers to have a choice of where they wanted to take their vehicle to be repaired and for all repairers to have an equal advantage and ability to compete in the market. Specifically, “the type of information proposed to be made available is information that is necessary or useful for the safe and efficient conduct

of service and repair activities or reasonably available to the owner of a vehicle being serviced or repaired by the person seeking the information” (Wiseman et al., 2020). When looking at how the scheme would be enforced it is based more on good faith rather than being enforced by law. Enforcement of the mandatory scheme would be to educate and raise awareness of the law among consumers. The scheme could be enforced by the Australian Competition and Consumer Commission (ACCC) or individuals themselves. At the time there were no penalties in place for breaching the proposed scheme (Wiseman et al., 2020).

When looking at both the approach to the right to repair in Australia and the United States during this time the Australian method of approach was more laid back. Most noticeable when looking at the reaction to a breach of the Right to Repair Act. While Australia relies more on good faith there are penalties put in place. If the issue between the repairer and OEM cannot be resolved within 30 days, the offended party will be able to claim damages for any losses they may have suffered. Both with similar backgrounds in the movement for the Right to Repair Act, Australia has pulled ahead. In 2021, the Motor Vehicle Information Scheme (MVIS) was passed by the Senate and came into effect on July 1, 2022 (Commission, 2021). The ACCC oversees and enforces the scheme ensuring that OEMs and other data providers understand their obligations, are in compliance with the scheme, and to make sure that industry stakeholders and data providers are educated on the scheme (Commission, 2021). With the implementation of this scheme, information pertaining to vehicle service and the right to repair must be provided to all Australian motor vehicle repairers to buy at a fair price. This law applies to light passenger vehicles manufactured after January 1, 2002, but does not include two or three-wheeled vehicles or agricultural and construction equipment. Australia implemented this scheme not only for vehicle repairers but for the consumer as well. With the introduction of the MVIS, consumers

can pick a repair shop of their choosing and their rights and warranties will not be affected (Commission, 2021).

In early March of 2022, the AAAA joined together with other global associations to support the Right-to-Repair movement by signing the Global Vehicle Right-to-Repair Position Statement. Numerous aftermarket associations from around the world have signed the position statement including the Auto Care Association, Automotive Industries Association of Canada (AIA Canada), the European Garage Equipment Association (EGEA), Automotive Component Manufacturers Association of India (ACMA), and many more. These associations have signed the Right-to-Repair position statement in an effort to establish fair competition between automotive repairers, allow consumers to choose where they want their vehicle to be fixed, and ensure that access to vehicle information is affordable (*Global Right to Repair*, n.d.).

Aside from Australia, many other international associations are working to gain the right to repair for consumers and repairers in their region. EGEA has joined seven other European associations in the Alliance for the Freedom of Car Repair (AFCAR) in the European Union. When looking at differences and similarities between the right-to-repair movement in the United States and other countries, AFCAR has many similarities to Auto Care. “Numerous studies show that the ongoing lack of access to in-vehicle data and functions increasingly jeopardizes our ability to compete in digital products and services and to provide customers, both consumers and fleet operators, with the digital services they expect. Technical solutions, respecting the highest standards of privacy and security, exist but require legislative backing” (*ACCESS to IN-VEHICLE DATA and RESOURCES*, n.d.). This is a statement that AFCAR stands behind and the idea it shares with Auto Care as well as AIA Canada and various other aftermarket industry associations around the globe. However, the right to repair is not only a prevalent movement in

the automotive industry. Other technologies including phones, computers, and tablets are everyday objects consumers are affected by with the right to repair as well as agricultural equipment (*ACCESS to IN-VEHICLE DATA and RESOURCES*, n.d.).

In 2016, Apple received backlash from its consumers claiming that their phones were not working after the installation of certain aftermarket products such as the screen or touch ID button as a result of “Error 53”. According to Apple “Error 53” was implemented as a protective measure. However, after continuous complaints from customers, they installed software to enable the phones to work again after the installation of certain aftermarket components (Mirr, 2020). Multiple lawsuits were brought against Apple from 2016-2017 over the “Error 53” messages that would pop up after consumers took their devices to be fixed by an aftermarket repairer. After paying out millions of dollars over the lawsuits Apple created a self-service repair program that went live to the public in early 2022. Other companies such as Samsung and Google followed suit with both partnering up with iFixit to launch their own versions of a self-service repair program. These programs allow access to the information and tools they need to fix their own devices without having to go into the store (Mirr, 2020).

Agriculture has also been impacted by the right-to-repair movement. Until recently, John Deere customers had to sign an End User License Agreement (EULA) forbidding “...nearly all repair and modifications to farm equipment”, only allowing John Deere dealerships or other authorized repair shops to make repairs on the newer equipment (Mirr, 2020). Recently there have been major changes regarding this issue. On January 8, 2023, John Deere signed a memorandum with the American Farm Bureau Federation (AFBF) ensuring that any farmer or independent repair facility would have access to certain information they need in order to complete work on their own equipment (American Farm Bureau Federation, 2023). As of March

9, 2023, a memorandum of understanding also went into effect between AFBF and CNH Industrial brands which own brands such as New Holland and Case IH (Farm Equipment, 2023). The required information manufacturers must now provide includes data transmitted or compiled by the operation of farm equipment, manuals, diagrams, schematics, embedded software, and a multitude of other compiled information (*AFBF Signs Right to Repair MOU with Case IH and New Holland*, n.d.).

This change in the industry will allow farmers to send their equipment to independent repair shops of their choosing where the information will be able to be obtained at a fair and reasonable price. Farmers also have the ability to do the work themselves. According to AFBF President Zippy Duvall, “Farmers must have the freedom to choose where equipment is repaired, or to repair it themselves, to help control costs” (Rudat, 2023). With the steps being taken within everyday consumer technology and the agricultural industry it remains to be seen how automakers will react and how the automotive aftermarket industry will be affected (Rudat, 2023).

The Right to Repair has been a difficult situation for the automakers. The Automakers have been fighting against the act for some time now. They are also staying quiet about it publicly. Information on the situation from the automakers' side is very slim. A few advertisements have been made saying the accessibility of this data exposes you to the risk of hackers and others finding and collecting private information about you and your life. Currently, the vehicles that are being produced today are collecting data and this data is being sent back to the manufacturer's database. This data is not accessible to independents as well as the owner of the vehicle (Crivelli et al.).

What do automakers do with this data and why do they want to keep it to themselves? A lot of technology we use collects data which is then bundled by the collector and sold to third parties who use the data for various reasons. Our phones and their applications are probably the best examples and easiest to understand. In order to use some apps and for them to function properly, we agree to them accessing certain files, folders, and devices on our phones. Not only can they use stuff on our phones, but they also can take it since we agreed to it. Automakers are doing the same with the data produced and collected by the telematics in our vehicles. There is money to be made. Money is a great motive for both sides of this argument. The data collected can be used for regulating, repairing, and inspecting vehicles as well as learning about vehicles and drivers for future innovations (Crivelli et al.).

Data collection is also something the automakers do not want to be handed out. With the aftermarket holding onto 70% of repairs, the manufacturers need their dealerships to hold onto the 30% that they have (Crivelli et al.). They are the minority in the field of repairs. For example, Tesla is in the eyes of many in the industry currently. They are currently being “sued in a pair of proposed antitrust class actions accusing the company of unlawfully curbing competition for maintenance and replacement parts for its electric vehicles, forcing owners to pay more and wait longer for repair services.” The lawsuit calls for Tesla’s service and parts monopoly to be broken down (Scarcella, 2023). With that being said, if the data is to be shared with third parties openly, it needs to be regulated so there is maintained fair competition. Sharing this data with third parties has great benefits. The sharing that is being done today is through selling the data to third parties. From my experience, third parties are then able to create better products for the consumer and increase the performance and comfort of vehicles. This also is a source of revenue

for the auto manufacturers which they then can invest in new vehicles and innovations for the future (Crivelli et al.).

The first stages of the Right to Repair Act have passed in Massachusetts. This is almost like an addition to the older law that was passed allowing consumers and independents to access information and codes through the OBD2 port. Instead, this is from a telematics side with data being collected and not shared. As a result of the new act passing in Massachusetts, manufacturers had to disable the telematics systems within the vehicle. Subaru and Kia were two auto manufacturers to disable the system in vehicles. This meant the owners of the vehicles had certain features that did not work. Features such as emergency assistance programs like OnStar, remote start, tire pressure monitoring systems, and more (Marshall, 2022). Owners of these car brands were upset with this. Why did they do this? They did it not out of spite, but for the reason they had no way to allow owners and independents to access the data that was being collected. It was done to comply with the new law that has been passed. Allowing access and sending the data to owners and independents is a part of the act that was passed in Massachusetts (Marshall, 2022).

One company is already taking strides to create a solution to this problem. That would be Stellantis. They have created and are developing a new business unit called Mobilisights. Here are some facts Stellantis has made about Mobilisights. “Mobilisights will leverage data from Stellantis’ connected vehicles, which are expected to reach 34 million by 2030. Mobilisights operates as an independent business unit, collaborating with data partners and licensing data to a wide range of customers, including other automakers. Consistent with Dare Forward 2030, Mobilisights will be a key contributor to the €20 billion in incremental annual revenues expected from software-related services by 2030” (Silveira et al., 2023).

Mobilisights will offer products to private enterprises, public-sector utilities, and education and research institutions. They also will be offering data-driven decision-making and enabling a wide-ranging portfolio of applications and services (Silveira et al., 2023). This is a major step towards Stellantis' own growth as well as the industry's. CEO of Mobilisights, Sanjiv Ghate, said "The vision for Mobilisights is to contribute to a smarter world, leveraging the insights that vehicle data provide to inspire innovative applications and services that can transform and dramatically improve the day-to-day lives of users and businesses. Harnessed effectively, sensors and other data available from connected vehicles can enable a wide range of services and applications with compelling benefits, ranging from personalized usage-based insurance to road hazard detection and traffic management. With its 14 iconic brands and millions of connected vehicles, Stellantis has unmatched global data scale capable of powering this business forward" (Silveira et al., 2023).

This might concern customers now with what power do they have over the data being transmitted from their own vehicle. Mobilisights will operate with very strict data governance and privacy policies. They will be using anonymized and aggregated data. Personal data of the customers will only be used if consent is given by the customer while allowing them to choose what specifics will be shared. Once consent is given, customers can opt out of the data collection if they please. This includes information that has already been used or shared as well. What is said for external customers with this new technology? Well according to Mobilisights, "Mobilisights has exclusive access and rights to license vehicle and related data from all Stellantis brands to external customers (Silveira et al., 2023)."

The future of the use of telematics for the auto industry and the aftermarket is almost here. The first steps were already taken by the OBD-II years ago. Now accessing more is wanted

by both industries. Just as access to repairs has been available to shops through subscription programs and devices purchased from the manufacturers, I think telematics data will be offered in the same way. Mobilisights is already a great example of what the future of data sharing will look like. Other manufacturers will most likely be releasing this same product with or without the Right to Repair Act.

The heavy-duty/commercial side of things is totally different. There are three major players in this field, the suppliers who make parts and technologies, the fleets who move products, and manufacturers who build commercial vehicles. Major fleets are big power holders and dictate what is being used in the vehicles. Don't forget that trucks are what America runs off of. If a fleet likes a new part or product that is shown to them by a manufacturer, they then work with the manufacturer to have it added to the vehicle for the future. The information collected by the vehicles is vital information to the fleets and they need it to operate smoothly and efficiently (Shaw, 2023).

Major fleets have the ability and power to repair their own vehicles. The independent aftermarkets are the servicers for the commercial field. Dealers are not the main source of repairs. They mainly focus on repairs for regional fleets and do warranty work. Smart systems are utilized in every category for commercial vehicles. Suppliers collect information and grant access to fleets. Fleets need the information collected by vehicles more than customers of passenger vehicles. Fleets would love to have one universal hub for data collection (Shaw, 2023).

Platform Science is a company that can make a central hub directly for the heavy-duty/commercial world. It is all customizable. It grants access remotely while integrating all of your fleet's apps into one location. Their goal is to bring the next-generation platform into large

fleets of vehicles creating a smooth and easy transition. Platform Science is a great example of what the future is to be for the heavy-duty/commercial world (Platform Science, 2023).

I personally think that something must be recognized and understood by both industries and customers, that is the collection and sharing of this data must be beneficial to all. The data collected by the automakers cannot be given out for free. That would take all benefits away from the automakers, making the data less valuable. If their work to create software to collect and organize this data is just free to use by third parties and customers, there would be no incentives to create and improve this technology in vehicles which then would hurt everyone as a whole. To use and access the data collected by manufacturers with their software requires payment. This is where the subscriptions would come into effect.

In my personal opinion, the customer should have the ability to opt-in or out of the telematics or select what is to be shared as well as receive the data when. The independent shops should have the ability to access the data as well under understood agreements. The customer must give consent for the shops to access the data. The software that allows independent shops to access it should give benefits back to the creators and owners of the telematic systems that have created the ability to collect such data. As a result, the customer would receive better service and control over the data. The independent shops will be able to offer better service for current and future repairs while expanding their customer base and services. The auto manufacturers would receive the needed data for repairs and services while receiving the deserved revenues for their work and creations allowing them to innovate for the future of not only the auto industry, but the aftermarket industry, third parties, and customers as well.

Conclusion

The Right to Repair is crucial to the future of the aftermarket and it's important to understand the history, legislation, and what needs to be done further to allow consumers to decide what is shared between themselves and the dealers. Although there has been some progress made in allowing the aftermarket the ability to work on vehicles and retrieve valuable vehicle telematics there is still much more than needs to be done. The aftermarket is not the enemy of OEM manufacturers, and the OEM is not the enemy of the aftermarket, we both have the same end goal in mind: Serve the consumer with the highest ability possible and deliver high-quality products and service to keep your vehicle running longer. It is also important to understand that it is not just auto manufacturers who are fighting the aftermarket but also agriculture and technology manufacturers fighting aftermarket repair shops to prevent access to important telematics. This global issue affects consumers more than they can realize and it's important to not hide valuable information from consumers that can save them time, and money, and trust the automakers into believing they have the consumer's best interest in mind.

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