February 27, 2020

Senator James J. Maroney, Chair
Representative Michael D’Agostino, Chair
General Law Committee
Connecticut General Assembly
Legislative Office Building, Room 3500
Hartford, CT 06106

RE: Oppose - SB 136 Vehicle Repair Data

Dear Chairs and Members of Committee:

On behalf of the Alliance for Automotive Innovation (Auto Innovators), I am writing to you today to express our strong opposition to enacting Senate Bill 136. Enacting state-by-state “right-to-repair” legislation has fortunately been made unnecessary as the result of an industry-wide Memorandum of Understanding. Formed in 2020, the Alliance for Automotive Innovation is the singular, authoritative, and respected voice of the automotive industry. Focused on creating a safe and transformative path for sustainable industry growth, the Alliance for Automotive Innovation now represents automakers producing nearly 99 percent of cars and light trucks sold in the U.S., as well as tier-one original equipment suppliers, technology and other automotive-related companies.

Senate Bill 136 may have been filed under the premise that independent repair shops need help to ensure that they have access to the information from automakers necessary to diagnose and repair a vehicle. This is a premise that is simply not the case today.

In 2013, the Massachusetts state legislature adopted Chapter 93k of the General Laws, which guaranteed access for independent repairers to all information needed to diagnose and repair a vehicle. As the Massachusetts law required vehicles to be built with specific hardware requirements, automakers could not risk a conflicting law being passed in another jurisdiction that would also regulate the same hardware. As such, within a few months of the Massachusetts law passing, automakers and representatives of the independent repair community negotiated and signed a memorandum of understanding in which automakers voluntarily agreed to follow the Massachusetts law everywhere across the country.

Both the MOU and the underlying Massachusetts law contain dispute resolution provisions that provide for an avenue to address needed repair information that is identified by a repairer as unavailable. In the 7 years since the Massachusetts law was passed, and in the 6 years since the MOU was signed, neither dispute resolution process has been triggered. The reason for this is simple. It is because all the information needed to repair and diagnose a vehicle is available to repairers today.
Should an independent repairer not want to go down the path of a formal dispute resolution process, there are additional avenues to seek assistance in this area. The National Service Information Task Force (NASTF) is an organization that existed before the Massachusetts law was passed to help repairers locate needed repair information. 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.

Automakers want to see proper repairs conducted in the marketplace. As evidence, I will point to automaker support for Connecticut House Bill 7266 from the 2019 legislative session. This legislation would have required the use of official automaker repair procedures in all post-collision, insurance-funded repairs. Proper repairs are a matter of public safety.

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 two 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.

Given the current dynamics of the independent repair marketplace, we hope you will recognize that there is no longer a need to advance such legislation.

Thank you in advance for your consideration of our views. If I can answer any questions or provide any further information, please do not hesitate to contact me at 202-326-5550 or wweikel@autosinnovate.org.

Respectfully submitted,

Wayne Weikel
Senior Director, Alliance for Automotive Innovation