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Frequently Asked Questions About the Right to Repair National Memorandum Of Understanding (MOU)

The MOU is an agreement between the independent aftermarket and the vehicle manufacturers. AAIA and CARE worked with the manufacturers to craft the MOU. Contact our Director of Government Affairs, Jennifer Zins for more information at Jennifer@perrycom.com or 916.871.0603.

Why did AAIA and CARE take this action?

AAIA and CARE have been engaged in a battle with the vehicle manufacturers for the passage of right to repair since 2001. In 2012, the independent aftermarket came to agreement with the car companies on a right to repair law which ensured access to service information, tools and software needed to work on late model computer controlled vehicles. That law was enacted by the Massachusetts legislature in late 2013. As part of the agreement, AAIA, CARE, the Alliance and Global began negotiations to develop an MOU that would ensure that the new law in Massachusetts would apply across the country and which was hoped would end the expensive and often contentious state-by-state right to repair battles.

What will the MOU accomplish?

Under the MOU, the car companies agree to abide nationwide with the requirements of the Massachusetts right to repair law that was enacted in December of 2013. Specifically, the car companies will be required to:

- Immediately make available to consumers and the independent vehicle repair industry on "fair and reasonable terms", the same tools, software, and repair information that they make available to their franchised dealers.
- Beginning with the 2018 model year, establish web sites or "clouds" that will contain the same information and software that dealers have access to as part of their proprietary tools.
- Car companies provide access to the vehicles diagnostic computers using a standardized vehicle interface that meets either the Society for Automotive Engineers (SAE) J 2534 or International Standards Organization (ISO) 22900 standards.

How would a repair shop or car owner take action against a car company that fails to comply with the MOU?

Should a consumer or repair shop be unable to obtain information, software or a tool from an automaker, the complaining party would first be required to contact the car company either directly or through the National Automotive Service Task Force, to request access to the information, tool or software. A car company has 30 days to respond to this request. If the shop or consumer are still not satisfied, then the individual or shop can take the issue before a Dispute Resolution Panel (DRP) established under the MOU. The DRP would be comprised of two individuals appointed by the automakers and two appointed by CARE and AAIA. The panel also would be comprised of a fifth individual, unaffiliated with either the car companies or the aftermarket that would be agreed upon by all four parties and would chair the DRP. If the dispute cannot be resolved amicably, the panel will make a ruling based on the terms of the MOU.

What is the difference between an MOU and a law?

The MOU is a voluntary agreement that does not have the weight of law behind it. Therefore, under the MOU, an independent shop not located in Massachusetts would not be able to take legal action against a car company for failing to abide by the terms of the MOU. However, it is hoped that since the MOU is based on a law in place in Massachusetts, car companies will abide by the voluntary agreement for the other 49 states.

Does the MOU cover all vehicles?

The MOU applies to all automobiles under 14,000 pounds with the exclusion of motorcycles. It is hoped that groups will be able to negotiate a similar agreement with trade associations representing heavy duty truck manufacturers.

How does the signing of the MOU impact federal and state right to repair legislative efforts?

AAIA and CARE have agreed to work on implementation of the MOU through 2018 and to oppose other state efforts while the aftermarket and car companies implement the MOU. While AAIA and CARE would prefer a right to repair law, both groups believe that such a lobbying effort would take years to accomplish as well as significant resources. All groups felt that both the aftermarket and consumers would benefit more by devoting its resources to implementing a voluntary agreement.

What happens if automakers do not comply with the MOU?

Should the car companies fail to comply with the terms of the MOU, AAIA and CARE will notify the vehicle manufacturer that we are pulling out of the MOU and will be resuming right to repair legislative efforts both on the federal and state level.

What happens now?

Now that all four trade groups have signed on, every vehicle manufacturer must sign individual letters pledging to comply with the terms of the MOU. Should every car company not sign the pledge, the MOU is not considered in effect.