



## **The Facts about Vehicle Right to Repair “Agreements”**

Opponents of H.R. 906, the REPAIR Act, will often point to two documents – a 2014 Memorandum of Understanding (MOU) and a 2023 Commitment – executed by a small segment of the aftermarket and repair industries.

It is important to understand the facts about these limited “agreements.”

### **The Facts on Coverage: Claiming these documents cover the auto industry is like claiming an agreement with Ask Jeeves and AltaVista covers the search engine industry.**

The agreements contain no enforcement mechanism, lack the necessary consumer choice protections, and in the case of the 2023 agreement, represent just one percent of aftermarket repair shops. Most major groups representing suppliers, auto shops, and manufacturers were not included in the discussions leading up to these agreements, indicating a lack of comprehensive industry consensus.

The four-page document is minimal and does not provide important details concerning the actual commitment, raising questions about its practical impact.

### **The Facts on Effectiveness: There is No Enforcement Mechanism in the MOU or the Commitment**

There is no explicit enforcement mechanism within the MOUs, raising concerns about their effectiveness and the commitment of automakers to adhere to the agreed terms. The automakers can disregard anything in the agreement without penalty.

### **The Facts on Impact: Entire vehicle classes are left out.**

The 2023 update did not include medium- and heavy-duty vehicles, leaving gaps in repair access for these vehicle types. It also did not include electric vehicle manufacturers, potentially limiting competition and innovation in this critical sector.

The agreement does not include provisions for automatic updates or adaptations to new technological advancements. This limitation suggests that as vehicle technology evolves, additional negotiations or updates to the agreement may be necessary to include new types of vehicle data and repair technologies.

### **The Facts on Data Access: Manufacturers Maintain Control of Consumers’ Information**

Both documents protect the position of the vehicle manufacturers as the primary gatekeepers of consumers’ vehicle data, which could skew market share away from independent shops. Access to telematics is limited and provided only if available through the OBD system; therefore, creating a disadvantage for aftermarket repair shops.

The 2014 MOU specifically excluded telematics data, crucial for diagnostics and repair of modern vehicles. This exclusion leaves independent shops significantly disadvantaged.

MEMA Aftermarket Suppliers

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