

Subaru buyers caught up in right-to-repair fight over autos

February 23 2022, by Matt O'brien



Brian Hohmann, mechanic and owner of Accurate Automotive, in Burlington, Mass., attaches a diagnostics scan tool, center left, to a vehicle and a laptop computer, below, Tuesday, Feb. 1, 2022, in Burlington. The diagnostics scan tool sends information from the vehicle's computer to the laptop so a mechanic can view information about the vehicle's performance. Hohmann said most independent shops are perfectly capable of competing with dealerships on both repair skills and price as long as they have the information and software access they need. Credit: AP Photo/Steven Senne

Driving a rugged Subaru through snowy weather is a rite of passage for some New Englanders, whose region is a top market for the Japanese automaker.

So it was a surprise to Subaru fans when Massachusetts dealerships started selling its line of 2022 vehicles without a key ingredient: the in-car wireless technology that connects drivers to music, navigation, roadside assistance and crash-avoiding sensors.

"The dealer didn't bring it up," said Joy Tewksbury-Pabst, who bought a new Subaru Ascent without realizing she'd be missing out on the remote start and locking features she had before trading in her 2019 model. She also lost the ability to check wiper fluid levels, tire pressure and mileage from her phone.

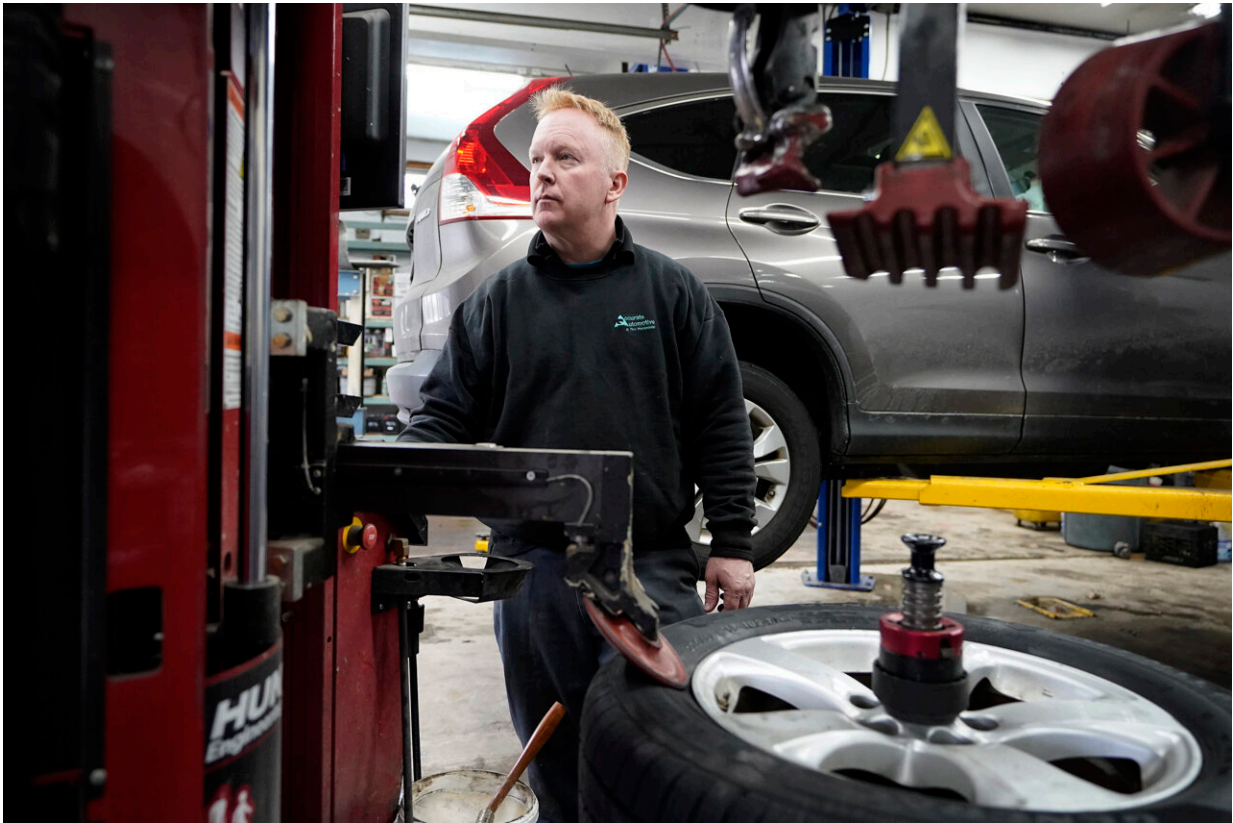
What's happening in Massachusetts mirrors a broader battle over who has the "right to repair" increasingly complex electronic products—from iPhones and farm tractors to the family car.

About 75% of Massachusetts voters sided with the auto repair industry in 2020 by passing a ballot initiative that's supposed to allow car owners and their preferred auto shops to more easily peek into a car's trove of online data. Automakers have been fighting it in court ever since.

And two of them, Subaru and Kia, said that rather than run afoul of the new law, they would disable their wireless "telematics" systems from new models in the state. Car buyers and dealerships have been feeling the effects.

"It's certainly a bummer," said Joe Clark, general manager of the Steve Lewis Subaru dealership in the western Massachusetts town of Hadley.

"People are calling back after the fact, realizing they're missing out."



Brian Hohmann, mechanic and owner of Accurate Automotive, in Burlington, Mass., uses a tire changing machine at his shop, Tuesday, Feb. 1, 2022, in Burlington. Hohmann said most independent shops are perfectly capable of competing with dealerships on both repair skills and price as long as they have the information and software access they need. Credit: AP Photo/Steven Senne

Tewksbury-Pabst was one of more than 2.5 million people who voted for the ballot measure in Nov. 2020, after an expensive electoral fight marked by dueling TV commercials. She believes it will help independent auto shops compete with dealerships' in-house repair shops.

She's mostly frustrated with Subaru, describing its reaction to the law as "like a child that didn't get their way and took their ball and went home."

Cars already have a diagnostic port that mechanics can access for basic repair information, but independent auto shops say that only carmakers and their dealers have access to the real-time diagnostics that cars now transmit wirelessly. That's increasingly important amid the shift to electric cars, many of which don't have those diagnostic ports.

The law requires automakers to create an open standard for sharing mechanical data. Subaru spokesperson Dominick Infante said the "impossibility of complying" with that provision "is a disservice to both our retailers and our customers."

"The data platform that the new law requires to provide the data does not exist and will not exist any time soon," he said in an email.

An auto industry trade group immediately sued the state's Attorney General Maura Healey after the law's passage to stop it from taking effect, arguing that the timeline was unreasonable, the penalties too onerous, and that automatically sharing so much driver data with third parties presented cybersecurity and privacy risks.

Part of the fight is also over who gets to alert drivers and encourage them to visit when the car senses it needs a repair. The current system favors dealerships, which many auto shops fear will soon put them out of work if independent mechanics can't get easy access to the software upgrades and mechanical data needed to make basic repairs—from tire alignments to broken seat heaters.



Brian Hohmann, mechanic and owner of Accurate Automotive, in Burlington, Mass., completes work on a vehicle, Tuesday, Feb. 1, 2022, at his shop, in Burlington. Hohmann said most independent shops are perfectly capable of competing with dealerships on both repair skills and price as long as they have the information and software access they need. Credit: AP Photo/Steven Senne

"If we don't have access to repair information, diagnostic information, you're putting an entire workforce out of business," said Bob Lane, owner of Direct Tire & Auto Service, in the Boston suburb of Watertown. "If the only person who can fix a car, because of a data standpoint, is the dealership, the consumer has lost the choice."

The right-to-repair movement now has a powerful ally in U.S. President Joe Biden, who signed an executive order last year promoting

competition in the repair business and has already counted some victories after Apple and Microsoft voluntarily began making it easier for consumers to fix their own phones and laptops.

"Denying the right to repair raises prices for consumers," Biden said in January. "It means independent repair shops can't compete for your business."

The Federal Trade Commission and state legislatures have also been eyeing regulatory changes. Under scrutiny are restrictions that steer consumers into manufacturers' and sellers' repair networks, adding costs to consumers and shutting out independent shops, many of which are owned by entrepreneurs from poor communities. U.S. Rep. Bobby Rush, an Illinois Democrat, introduced a bill this month to enable car repair shops to get the same data available to dealerships.

Brian Hohmann has spent decades adapting to changes in automotive technology, from attending a school to fix carburetors—now an obsolete technology—to learning how to program.

"Essentially every car now is 50 computers with four tires on it," said Hohmann, owner of Accurate Automotive in the Boston suburb of Burlington. "If you're not computer-savvy, you struggle."

But Hohmann said most independent garages are perfectly capable of competing with dealerships on both repair skills and price as long as they have the information and software access they need. That often involves buying expensive, automaker-specific scanners, or paying for a day pass or yearly subscription to get needed access.



Brian Hohmann, mechanic and owner of Accurate Automotive, in Burlington, Mass., points to a readout on a laptop computer that shows ignition patterns in the engine of a vehicle, Tuesday, Feb. 1, 2022, in Burlington. The readout was made possible by a diagnostics scan tool, not shown, attached to the vehicle that sends information about the cars performance to the laptop. Hohmann said most independent shops are perfectly capable of competing with dealerships on both repair skills and price as long as they have the information and software access they need. Credit: AP Photo/Steven Senne

Massachusetts rules already favor independent auto repairers more than other places thanks to an earlier right-to-repair law passed by voters in 2012. But that was before most cars started wirelessly transmitting much of their crucial data outside the car—presenting what auto shops see as a loophole to the existing rules focused on in-car diagnostics.

Automakers argue that independent shops can already get the data they need, with permission—but making it automatically accessible by third parties is dangerous.

Such data access "could, in the wrong hands, spell disaster," said the lawsuit brought by the Alliance for Automotive Innovation—a trade group backed by Ford, General Motors, Toyota and other big automakers, including Subaru and Kia.

The case is now in the hands of U.S. District Judge Douglas Woodlock, who is reviewing whether to split off the most disputed ballot provision to let the other parts take effect. A decision is expected in March after delays caused by the actions of Subaru and Kia, which the state says the automakers should have disclosed earlier. Massachusetts lawmakers are also looking at postponing the law's effects to give carmakers more time to comply.

Subaru and Kia have said most drivers will still be able to use driving-specific Apple CarPlay or Android Auto to stream music or get navigational assistance.

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