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- *Position paper*
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Right to Repair

Consumer access to technical information on new vehicles

- *For approval and release*
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Right To Repair

Overview

Access to technical information on modern vehicles has emerged as a significant issue for independent repairers and, therefore, for the vehicle owners who choose to use them. Without this information it is not possible to undertake the full range of servicing and repairs necessary to keep a vehicle in good order.

Vehicle manufacturers restrict the supply of this information to varying degrees and generally limit its availability to their dealer network. This restriction has become more commonplace as workshop manuals have moved to digital media such as CD and online access.

We consider that there may be anti competitive practices arising from this and which potentially pose a barrier to competition in the marketplace.

This issue of restricted access is recognised both locally and globally with repairer bodies challenging the basis for what they see as unreasonable withholding of information. Manufacturers no doubt consider this information of high value given the complexity in the vehicle and the proprietary electronic systems embedded within it, just as authorised dealers recognise the benefits from preferential access to this information. There are also areas of information, such as security, where it would not be appropriate to have unrestricted access outside of the dealer network.

The issue, therefore, is what is considered reasonable in terms of availability of information to owners and independent repairers and the associated costs to access it. Globally, markets have addressed this issue differently with some, such as Australia, having no industry-wide arrangements in place. The current arrangement also limits the choice of repairer and therefore competition in the marketplace.

This paper draws on a more detailed paper prepared by Technical Researcher Russell Manning and sets out the key issues relating to accessing information along with RACQ's position.

RACQ's interest in the issue

RACQ's 1.2 million members require the services of competent and qualified repairers who have access to the technical information necessary to service and repair their vehicles. Access to this information is necessary for a vehicle to be maintained in a safe, serviceable and reliable condition.

RACQ is aware of the difficulties vehicle owners and some independent repairers can face when trying to obtain such information, and we would have concerns where the lack of readily available information was detrimental to the vehicle's ongoing operation and condition.



Key issues

Why access to this information is necessary:

- To maintain a vehicle in a safe, reliable and roadworthy condition, periodic servicing and repairs are necessary.
- Owners have an obligation to maintain their vehicles appropriately from both a safety (regulatory) and warranty perspective - a lack of technical information frustrates this.
- For owners who undertake this servicing and repair work themselves, or through an independent repairer of their choice, they need access to a range of technical information and/or diagnostic tools.
- Smash repairers also require access to technical information, which can range from electronic systems to vehicle dimensions and other bodywork-related information

Current situation:

- The established practice of manufacturers offering workshop manuals is becoming much less commonplace. This has changed to CDs – in part because of the large quantity of material that now makes up a modern workshop manual.
- For manufacturers to manage this large amount of technical information, both from a content updating and copyright perspective there is a trend towards online access of this information through a restricted log-in point.
- Owners and independent repairers cannot usually access this information or diagnostic tools. Access is generally limited to the manufacturer's dealer network.
- Routine servicing cannot easily be carried out without access to this information. Diagnostic work is particularly problematic.

Specific issues related to accessing information:

- Owner access to information should be for servicing, repair and diagnostic purposes only. Owners or independent repairers need access to on-board computer information to interrogate and interact with the vehicle's computer to allow resetting of fault codes or making system adjustments. Additionally, this often requires a tool that can communicate with the vehicle with the necessary up-to-date software.
- The granting of owner or independent repairer access to vehicle technical information, for the purpose of servicing and repairs, should not be contingent on any concerns that the manufacturers may have about their intellectual property of the software in the various on-board computers controlling the vehicle. These concerns often relate to who has ownership of the information or of vehicle manufacturers being forced to disclose programming information or trade secrets.



- In order to interrogate a vehicle's computers the owner or independent repairer must also have supporting information to identify the operating parameters and, therefore, be able to assess whether a reading is normal or a fault exists in a component or system.
- Manufacturers could justifiably argue that it is not in the owner's or industry's interests to make security related information accessible outside of a tightly controlled dealer network.

RACQ's position

RACQ believes it is a reasonable expectation that manufacturers release the necessary information to vehicle owners (including to their repairer of choice) so that they can maintain their vehicle in a safe, roadworthy and reliable condition.

This information needs to include published specifications along with access to live data via the vehicle's diagnostic link. Additionally, crash repair information should be treated the same as other technical information and be available to the owner or repairer to allow a vehicle to be repaired to its pre-crash specifications.

RACQ considers the following points are related to the above:

- The new car warranty period should not be seen as a restricted period. A vehicle's owner should be free to choose their repairer/servicing agent from the start of ownership (excluding warranty work).
- Manufacturers cannot legally use intellectual property rights as an excuse to withhold information. This issue is separate to the owner's needs for access to service and repair information.
- It is reasonable for manufacturers to charge a fee for accessing this information at an amount that is affordable to owners or repairers
- If a manufacturer will not release technical information on their vehicles, potential owners should be advised before they commit to a purchase. This allows an informed decision by the consumer.
- The need for special diagnostic tools/interrogation devices should also not result in restrictive outcomes for the vehicle owner.

References

Manning, R. 2009. *Right to repair; literature review and discussion paper*. RACQ