



September 25, 2008

Chairwoman Nydia Velazquez
Committee on Small Business
U.S. House of Representatives
Washington, D.C. 20515

Ranking Member Steve Chabot
Committee on Small Business
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairwoman Velazquez and Ranking Member Chabot:

On behalf of the American International Automobile Dealers Association (AIADA), the Automotive Service Association (ASA), the National Association of Minority Automobile Dealers (NAMAD), and the National Automobile Dealers Association (NADA)—all representing small businesses—we are writing to correct any erroneous perception that repair information is in any way unavailable to independent, non-dealer, repair shops. Additionally, we would like to update you on the state of the automotive repair industry in the United States.

AIADA, NAMAD, and NADA are national trade associations representing over 20,000 franchised dealerships with over one million employees. ASA is the largest and oldest trade association of its kind dedicated to and governed by independent automotive service and repair professionals.

The information necessary to service and repair motor vehicles is widely available to all segments of the nation's service and repair industry. Despite that fact, certain large aftermarket parts distributors continue to advocate for legislation that would require automobile manufacturers to disclose, under threats of private rights of action and administrative proceedings by the Federal Trade Commission, "the information necessary to diagnose, service, or repair the vehicle, including information necessary to integrate replacement equipment into the vehicle."

In response to these ongoing efforts -- representing small business owners and employers, dealers and independent service facilities alike -- we once again stress our inability to understand why anyone would suggest to Congress that there is a systemic lack of service information, diagnostic tools, and training necessary to repair and service cars and trucks. At the same time, we have reason to believe that what actually is being sought is the disclosure of proprietary parts data at no cost to potential counterfeiters.

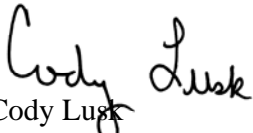
Importantly, automobile manufacturers and the Automotive Service Association signed a broad industry agreement in 2002 to ensure the general availability of service information, tools, and training. This industry agreement utilizes the National Automotive Service Task Force (NASTF), a broadly representative voluntary organization designed to resolve any availability concerns that may arise. Information, tools, and training necessary to diagnose, service and repair vehicles are being made widely available both directly from vehicle manufacturers and from a multifaceted and healthy array of third party private sector providers¹.


¹ We note, with irony, that ALLDATA, one of the largest of these third party providers of service and repair information, is a wholly-owned subsidiary of AutoZone, which is a major funder of the coalition in support of so-called right to repair legislation. Either the Automotive Aftermarket Industry Association is misstating a public policy position or ALLDATA is misrepresenting the nature of its product.


In 2007, NASTF reviewed a mere 48 service information requests out of more than 500 million automotive service and repair events. Of those 48 requests—some of which were duplicates—all but one were resolved readily by the vehicle manufacturers involved. While we believe NASTF has and will continue to serve as an important organization for the service and repair industry, the data confirms the suspicions of the House Energy and Commerce Committee Chairman John Dingell, D-Mich., who has called proposed legislation in this area “a solution in search of a problem.”

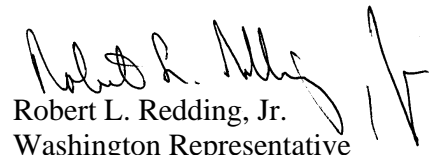
Given the effective industry-wide mechanism that already exists to address service data access, clearly there is not a monopoly on vehicle service information, diagnostic tools, and training. Therefore, we strongly suggest that any government action at the federal or state level would only serve to impose complicated and unnecessary regulatory burdens. For these reasons, we strongly urge members of the Committee on Small Business to not legislate in this area.

Sincerely,


Cody Lusk
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AIADA


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