

Automotive right-to-repair referendum passes with overwhelming support

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By Kay Neufeld

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Supporters of Question 4, the Act Regarding an Automotive Right to Repair, attend a watch party at the office of the Drummond Woodsum law firm in Portland. From left are Dan Brooks, owner of Capitol Car Care in Augusta; Ted Loeffler, owner of Precision Autoworks in Portland; Tim Winkeler, president and CEO of VIP Tires and Service; and Tommy Hickey, director of the Maine Right to Repair Coalition. *Ben McCanna/Staff Photographer*

The ballot question to ensure that independent repair shops have access to vehicle data passed by a wide margin Tuesday.

With 68% of the returns counted, 84% of voters were supporting the Automotive Right to Repair Act referendum. The Associated Press had called the race with 45% of the returns counted.

Tommy Hickey, director of the Maine Automotive Right to Repair Coalition, said the next step in this process is to sit down with Maine's attorney general and help guide the state on how to best implement this law.

Hickey hopes this movement spreads across the country, as it did from Massachusetts in 2020, where he helped on a similar automotive referendum campaign that voters overwhelmingly approved. But Hickey is not planning to pack up and head to the next state any time soon. He'd rather focus on building a sustainable model in Maine.

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"I would consider Massachusetts and Maine as the godfathers of this movement," Hickey said.

Earlier Tuesday night, three owners of small repair shops and auto parts stores were hoping public sentiment to protect small-business owners would drive passage of the referendum.

"This impacts my livelihood," Dan Brooks, an independent shop owner from Augusta, said at the Drummond Woodsum law office in Portland while surrounded by red, white and blue signs calling for passage of Question 4. "Do you own your own car if you can't get it repaired where you want?"

Brooks, however, wasn't anxiously awaiting results – nor were the campaign leaders and workers at the watch party. The room was filled with lively discussion while CNN's election coverage played on the TV. A bright sense of confidence floated through the room.

The Alliance for Automotive Innovation, a trade group for the major car manufacturers, had a similar sense of certainty.

"The Question 4 results are disappointing but hardly surprising," John Bozzella, president and CEO of the Alliance for Automotive Innovation, said in a statement.

Question 4, the Act Regarding an Automotive Right to Repair, will require manufacturers to give vehicle owners and independent shops the same access to their diagnostic tools that they give to their authorized repair shops, including software, information, tools, parts and miscellaneous components. All of that data will then be compiled into a secure, standardized access platform by an oversight board, which will be appointed by Maine Attorney General Aaron Frey.

Right to Repair advocates say that the law will help protect consumers and independent repair shops, some of whom have long feared that they will no longer be able to repair vehicles as technology becomes more advanced and data becomes harder to access. Opponents say manufacturers could disable certain tech systems, like anti-theft systems, rather than share data that could be hacked.

Leslie Giroux of Westbrook said it was important to support small independent repair shops, like the ones in her neighborhood that people have grown to trust.

“Not everyone can afford the dealership,” she said of her “yes” vote. “And independent mechanics are your neighbors; you trust them to do the things that are best for you.”

Her son, Graham Giroux, also voted “yes” – though in support of the Right to Repair movement at large. Giroux works in Information Technology support for MaineHealth, where he encounters the roadblocks of corporations limiting who can repair their technology each day. He sees the auto industry as a small piece of a needed change.

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But Aaron Burns, also of Westbrook, voted “no” because he doesn’t think government should intervene in private businesses.

“It’s not ethical,” he said. “If it had to do with my safety, that would be different.”

The referendum question is a part of a larger, national “Right to Repair” movement. The movement advocates for consumers and technicians to have full access to information, systems and parts needed to make repairs on ever-advancing technology, including vehicles. Independent car repair shop owners say that in the last decade, technology has advanced while access to the data needed for repairs has not kept pace.

On-board diagnostic ports still hold information for key systems and repairs that mechanics can access through standardized systems. But car manufacturers are releasing newer models with wireless systems that transmit real-time diagnostics on more advanced features directly to the manufacturers, dealers and authorized repair shops.

Gabby Profenno, an independent repair shop owner in Lisbon, says that her business won’t survive if she someday has to rely on manufacturer subscriptions.

“Are there things that I would pay for? Absolutely. Could I afford everything? No, my shop is too small,” Profenno said.

Question 4, closely modeled on a Massachusetts law voters passed in 2020, will ensure any mechanic has a legal right to that data in a “standardized” system.



Jacob Sirois works on a Ford F150 at Jason's Auto Service in Hollis last month. Many small repair shops throughout Maine have been lobbying for passage of a ballot question that will protect their access to vehicle data. *Brianna Soukup/Staff Photographer*

Vehicle manufacturers via their trade association, the Alliance for Automotive Innovation, say they are not actually concerned about sharing the telematics data with independent repair shops, auto parts stores and car owners. The core of their opposition is actually about that standardized system. They believe open access to telematics could pose cybersecurity and consumer privacy threats and that third parties, in bad faith, could unlock anti-theft systems or control modules to bypass federal safety and emission regulations.

“Question 4 will undo what already works and put your privacy – and the security of vehicles on the road – at risk,” said Wayne Weikel, who is with the auto alliance and the political action committee Automakers and Repairers for Vehicle Repair Choice that ran the Question 4 opposition campaign.

The Alliance for Automotive Innovation, which donated the full \$110,000 to the PAC, is now calling on the Maine Legislature to make change.

“The Legislature should examine this referendum in 2024 and consider legislation to codify the national cooperation agreement that already exists – and has worked well for a decade – between independent repairers and automakers,” Bozzella said.

And the Legislature very well could. The citizen's initiative originally went before a committee as a bill before it was carried over in July. That leaves legislators open to amend the bill in the next legislative session.

The Maine Right to Repair Coalition said it is advocating for small businesses.

But Bozzella, with the Alliance for Automotive Innovation, said the referendum was really geared toward the large aftermarket companies, the real financial backers behind Question 4.

"Out-of-state auto retailers backed this referendum for one reason: to grab your private vehicle telematics data and get access to your dashboard so they can try to sell you things. That's not the definition of right-to-repair," Bozzella said.

According to the state's campaign financing database, O'Reilly Auto Parts, Genuine Parts Co., Autozone and Advance Auto Parts have each donated \$625,000 – for a total \$2,500,000 – to the Maine Automotive Right to Repair Committee.

That doesn't matter to Brooks, the owner of Capitol Car Care in Augusta. He believes that even though after-market corporations can benefit, what's most important is that small repair shops will benefit, too.

With the passage of Question 4, Maine will probably face legal battles, like Massachusetts. The Alliance for Automotive Innovation filed a lawsuit less than three weeks after 75% of Massachusetts voters ticked 'yes' on their ballots. The case is still awaiting judgment.

Graham Giroux acknowledges that this law will come at a cost.

"But it's worth fighting for," Giroux said. "Ultimately, we all have a right to choice."

These potential factors are a major concern for Voit Ritch, the owner of an independent repair shop in Freeport whom the Press Herald previously contacted through the Alliance for Automotive Innovation.

Ritch is not only concerned about how Maine might face a similar fate to Massachusetts. Beyond discontinuing this technology in Maine vehicles, he fears that automakers will retaliate by taking back access to repair data altogether.

"I have everything I need, now. Why would I take the chance of losing? I'd rather not have a question mark," Ritch said.

Even so, Ritch was resigned to the fact that Mainers would ultimately vote in favor of Question 4 weeks before Election Day.

Hickey with the Maine Right to Repair coalition felt confident, too. He didn't have any words prepared for a world in which Question 4 was rejected.

"People in Maine feel passionately about this issue," Hickey said, grinning widely.

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