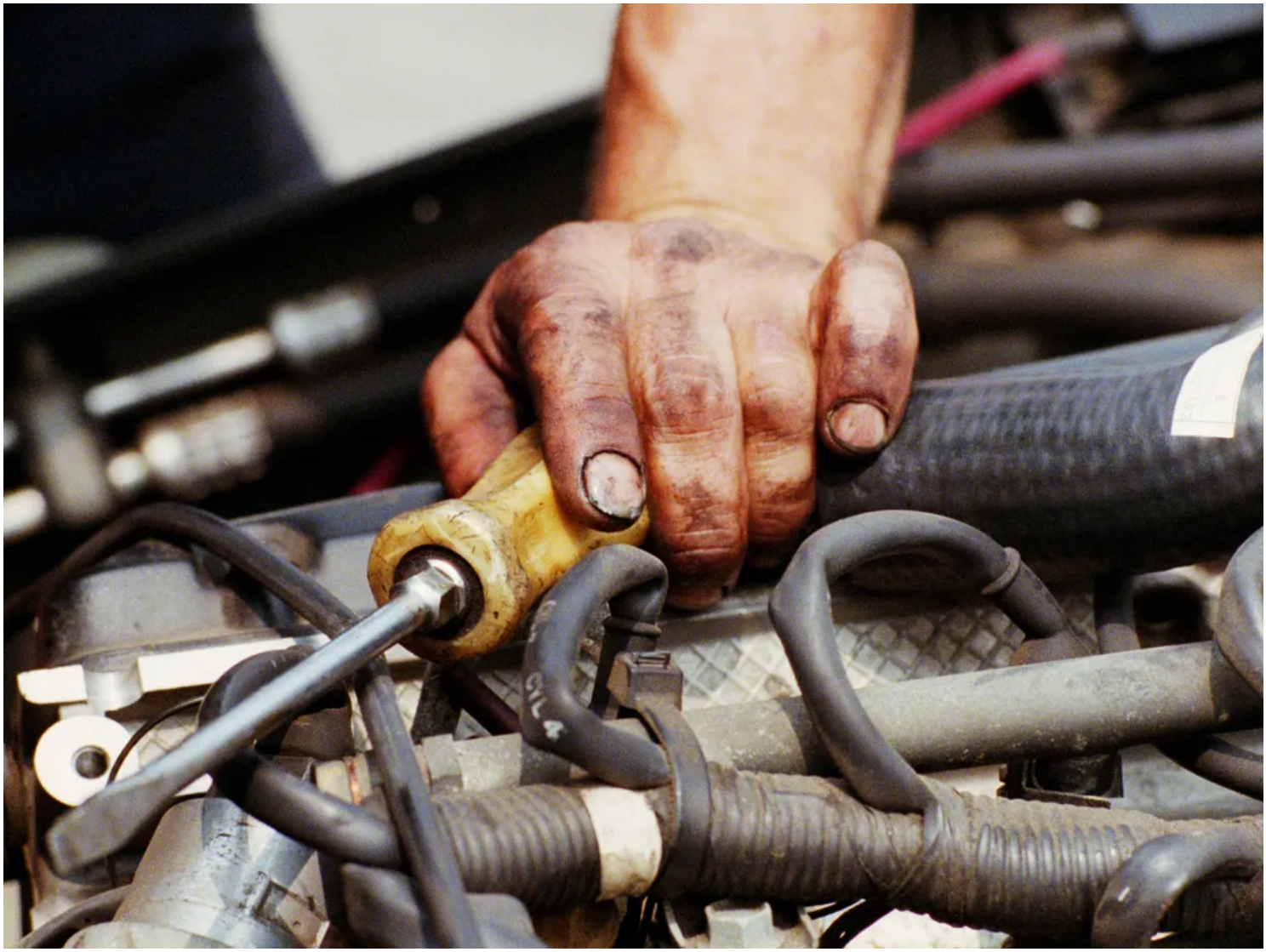
AARIAN MARSHALL BUSINESS FEB 3, 2022 7:00 AM

A Fight Over the Right to Repair Cars Turns Ugly

In the wake of a voter-approved law, Subaru and Kia dealers in Massachusetts have disabled systems that allow remote starts and send maintenance alerts.



PHOTOGRAPH: REZA ESTAKHRIAN/GETTY IMAGES

CHIE FERRELLI LOVED her Subaru SUV, which she bought in 2020 because it made her feel safe. So when it was time for her husband, Marc, to purchase his own new car last summer, they returned to the Subaru dealer near their home in southeast Massachusetts. But there was a catch, one that made the couple mad: Marc's sedan wouldn't have access to the company's telematics system and the app that went along with it. No remote engine start in the freezing New England winter; no emergency assistance; no automated messages when the tire pressure was low or the oil needed changing. The worst part was that if the Ferrellis lived just a mile away, in Rhode Island, they would have the features. They bought the car. But thinking back, Marc says, if he had known about the issue before stepping into the dealership he "probably would have gone with Toyota."

Subaru disabled the telematics system and associated features on new cars registered in Massachusetts last year as part of a spat over a right-to-repair ballot measure approved, overwhelmingly, by the state's voters in 2020. The measure, which has been held up in the courts, required automakers to give car owners and independent mechanics more access to data about the car's internal systems.

But the "open data platform" envisioned by the law doesn't exist yet, and automakers have filed suit to prevent the initiative from taking effect. So first Subaru and then Kia turned off their telematics systems on their newest cars in Massachusetts, irking drivers like the Ferrellis. "This was not to comply with the law—compliance with the law at this time is impossible—but rather to avoid violating it," Dominick Infante, a spokesperson for Subaru, wrote in a statement. Kia did not respond to a request for comment.

The dispute is the latest chapter in long-running disagreements between the state and automakers over the right to repair, or consumers' ability to fix their own cars or control who does it for them. In 2012, Massachusetts voters passed a similar ballot measure that, for the first time, required automakers to use nonproprietary onboard diagnostics ports on every vehicle.

> "Don't you have any friends in Rhode Island whose address you can use?"

> – MASSACHUSETTS SUBARU DEALER TO MARC FERRELLI

A year later, the initiative formed the basis of a nationwide agreement. Automakers guaranteed that car owners and mechanics would have access to the same kinds of tools, software, and information that they give to their own franchised car dealers. As a result, today anyone can buy a tool that will plug into a car's port, accessing diagnostic codes that clue them in to what's wrong. Mechanics are able to purchase tools and subscriptions to manuals that guide them through repairs.

So for years, the right-to-repair movement has held up the automotive industry as the rare place where things were going right. Independent mechanics remain competitive: 70 percent of auto repairs happen at independent shops, according to the US trade association that represents them. Backyard tinkerers abound.

But new vehicles are now computers on wheels, gathering an estimated 25 gigabytes per hour of driving data—the equivalent of five HD movies. Automakers say that lots of this information isn't useful to them and is discarded. But some—a vehicle's location, how specific components are operating at a given moment—is anonymized and sent to the manufacturers; sensitive, personally identifying information like vehicle identification numbers are handled, automakers say, according to strict privacy principles.

These days, much of the data is transmitted wirelessly. So independent mechanics and right-to-repair proponents worry that automakers will stop sending vital repair information to the diagnostic ports. That would hamper the independents and lock customers into relationships with dealerships. Independent mechanics fear that automakers could potentially "block what they want" when an independent repairer tries to access a car's technified guts, Glenn Wilder, the owner of an auto and tire repair shop in Scituate, Massachusetts, told lawmakers in 2020.

The fight could have national implications for not only the automotive industry but any gadget that transmits data to its manufacturer after a customer has paid money and walked away from the sales desk. "I think of it as 'right to repair 2.0,'" says Kyle Wiens, a longtime right-to-repair advocate and the founder of iFixit, a website that offers tools and repair guides. "The auto world is farther along than the rest of the world is," Wiens says. Independents "already have access to information and parts.

Now they're talking about data streams. But that doesn't make the fight any less important."

> "I think that they could create a platform that would meet some of the requirements of what the legislation is calling for, but I wouldn't want it in my own car."
>
> – JOSH SIEGEL, ASSISTANT ENGINEERING PROFESSOR, MICHIGAN STATE

Automakers say opening the car's mechanical data to anyone would be dangerous—and a violation of federal law. In November 2020, just after voters approved the ballot measure, a trade group that represents most major automakers sued Massachusetts in federal court. The group, the Alliance for Automotive Innovation, argued that the federal government, not states, should control who gets access to cars' telematics systems. The group also said that it would be irresponsible and dangerous to create the open data platform that the law required, especially by 2022. The Massachusetts Right to Repair Committee, representing more than 1,600 Massachusetts repair shops, says the automakers had ample time to prepare. Last summer, the Biden administration directed the Federal Trade Commission to write rules making it easier for consumers to access their own data and repair tools; advocates hope the rules will apply to vehicles.

Josh Siegel, an assistant professor of engineering at Michigan State University who studies connected-car security, says the automakers might be right, and the system envisioned by the law may not be technically doable. Siegel says the ballot measure may have been "well intentioned," but it wasn't written "with a full understanding of the complexity of automotive telematics systems." Those systems give access not just to data about what's broken and why but also to the driver-assistance systems that enable emergency braking and elements of the drive-by-wire system that helps drivers control their cars. Asking the automakers to pull together a safe and open telematics system in just a few months wasn't realistic, Siegel says.

"I think that they could create a platform that would meet some of the requirements of what the legislation is calling for," he says, "but I wouldn't want it in my own car."

The Alliance for Automotive Innovation declined to comment, citing the lawsuit. But in a 2020 hearing, a representative for the group argued that independent repair shops wanted access to car data not just to make repairs but also to advertise and sell to customers.

Dealerships are caught in the middle. It's an especially unfortunate time to be there, given the chip shortage that has curtailed vehicle production—and sales. "Shame on the manufacturers for not stepping up and being part of the conversation," says Bob O'Koniewski, executive vice president of the Massachusetts State Automobile Dealers Association. But he's angry at the independent repair industry, too, accusing it of "a money grab." His group has written a pair of bills, currently under consideration in the Massachusetts legislature, that would give automakers until 2025 to comply with the open-data-platform law.

For Siegel, the controversy points to a bigger and woolier question about whether consumers understand just how much data is flowing from their vehicles and where it goes. There's money to be made from a car's GPS location, temperature data, biometric info, and data on key parts. A few years ago, Siegel and his colleagues estimated that the US connected-car data market could be worth up to $92 billion, with everyone from manufacturers and parts suppliers to dealers and insurers racing for a share. "The most important thing is to show people their own breadcrumbs," Siegel says.

For Marc Ferrelli, the Massachusetts Subaru owner, the lesson is clear. "Sucks to be us," he says. Just before he bought the car, he says, the dealer asked him, "Don't you have any friends in Rhode Island whose address you can use?"

Updated, 2-3-22, 6pm ET: An earlier version of this article incorrectly spelled Marc Ferrelli's first name Mark.

More Great WIRED Stories

- 🏃‍♀️ Want the best tools to get healthy? Check out our Gear team's picks for the best fitness trackers, running gear (including shoes and socks), and best headphones

Aarian Marshall writes about autonomous vehicles, transportation policy, urban planning, and everyone's favorite topic: How to destroy traffic. (You can't, really.) She's an aspiring bike commuter and New Yorker going soft on San Francisco, where she's based. Before WIRED, Marshall wrote for The Atlantic's CityLab, GOOD, and Agri-Pulse, an agriculture... Read more

STAFF WRITER

TOPICS CARS AUTOMOBILES DRIVING REGULATION INFOTAINMENT REPAIR

MORE FROM WIRED

The Great Tech Hub Exodus Didn't Quite Happen

Two years into the pandemic, US tech jobs remain concentrated in a handful of coastal hubs. But a new set of cities is gaining ground.

CAITLIN HARRINGTON

It’s a Perfect Time for EVs. It’s a Terrible Time for EVs

Gas prices are up, commutes are back, and Russian oil is under sanction. Too bad the electric vehicle industry isn’t ready to seize the moment.

AARIAN MARSHALL AND MATT SIMON

Russian Missiles and Space Debris Could Threaten Satellites

As the war in Ukraine continues, the growing debris in low Earth orbit is a matter of national security.

KHARI JOHNSON

Russia Blocks Facebook and Twitter in a Propaganda Standoff

The Kremlin's latest escalation shows the stark choices ahead if US platforms want to keep operating in Russia.

MORGAN MEAKER

How US Sanctions Will Crimp Russia's Tech Sector

Russian firms and government agencies rely heavily on semiconductors from Western companies that will be cut off following the Ukraine invasion.

WILL KNIGHT

How a New Digital Dollar Could Shake the US Financial System

The Biden administration is looking into a government-issued digital currency. The implications would be profound.

JON BRODKIN, ARS TECHNICA

Why Cities Want Old Buildings Taken Down Gently

A growing number of US cities are adopting “deconstruction” policies that involve taking structures apart by hand in the name of sustainability.

AARIAN MARSHALL

An NFT Bubble Is Taking Over the Gig Economy

Two-thirds of freelancers on Fiverr say they’re servicing the NFT industry. But is it sustainable?

CHRIS STOKEL-WALKER