



A Landmark Ruling for Right to Repair:

What the Massachusetts Ruling Means for the Automotive Aftermarket Industry



After nearly two decades of involvement in Right to Repair (R2R) and its underlying issues, a significant milestone was recently reached for the collision, repair, and aftermarket industries in Massachusetts—one that has global impacts. A federal judge dismissed automakers' lawsuit challenging the 2020 Massachusetts Data Access Law, clearing the way for key R2R provisions to move forward.¹ This is momentous for the automotive aftermarket industry and a pivotal moment not just for independent repairers and diagnostic providers, but also for consumers and the many businesses that depend on access to vehicle data or diagnostic information.

Before diving deeper into Right to Repair, I want to acknowledge that several automakers actively support vehicle repairers and the aftermarket, showing a firm commitment to ensuring independent access to essential repair data and tools. Some of these manufacturers have even gone beyond what is required, bolstering the argument that Right to Repair might not always be necessary. I've witnessed firsthand how these automakers recognize the value of collaborating with the repair industry.

Back in 2009, Toyota introduced the Techstream Lite to the industry, which exemplifies everything right to repair set out to achieve. Full OE access, short term subscriptions, and J2534 Pass-Thru. I was honored to be a part of that project and got to witness how it ushered in a new era of access to OE diagnostics for the aftermarket. Alongside Toyota, GM was moving in that direction as well as a few other OEMs. At the same time, there were other OEMs that were moving to more bespoke systems, higher prices, and less access. So, while there was progress by the leading OEMs, the industry as a whole was not embracing standardized, open, and affordable access before right to repair.

Right to Repair serves two critical functions. First, it creates a structured framework for those automakers that might not otherwise voluntarily comply, ensuring a level playing field across the industry. Although complete compliance may

never be perfect, good-faith efforts to meet requirements help maintain consistency. Second, for automakers that already support independent repair, having regulations in place provides internal justification to prioritize repair-access initiatives. Compliance with legislation is a strong motivator, helping organizations allocate resources and present solid business cases that might otherwise struggle to gain traction.

Dealerships also play a crucial role in vehicle repair. They invest heavily in brand-specific training, infrastructure, and franchise fees to support manufacturer repair programs. Right to Repair is not about diminishing the value of dealerships but about creating fair competition and ensuring access to necessary repair information. In fact, many dealerships and used car lots benefit from Right to Repair as well, since they often service multiple brands beyond the ones they represent. By ensuring fair access to OEM diagnostics across multiple manufacturers, dealerships that repair off-brand vehicles gain the same advantages as independent repairers, fostering a more level playing field.

This Massachusetts ruling aims to support the principles of fair access and competition in vehicle repair. At its core, Right to Repair ensures that independent shops have the same ability as dealerships to service modern vehicles. As technology evolves, many manufacturers have moved toward secure gateways, Service-Oriented Vehicle Diagnostics (SOVD), and telematics-based diagnostics—systems that, while shows great potential, could also lock independent repairers out of critical vehicle functions if left unchecked.

The Massachusetts ruling is a major step toward preventing this by mandating standardized access to essential repair and diagnostic data and requiring that any vehicle with a secure gateway must provide access to the aftermarket through a uniform method. This reinforces the right of vehicle owners and independent service providers to maintain and repair their own vehicles.

Key Provisions Driving Change

The 2020 Massachusetts law introduces two transformative measures that reshape access to vehicle diagnostics and repair data:

- 1. Secure Gateway Access** – Automakers using secure gateways must ensure independent repairers can access necessary repair data in a standardized manner, preventing selective restrictions that could otherwise favor dealerships.
- 2. Telematics Access** – The law grants independent repair shops access to telematics-based vehicle information, which is crucial as emerging new EV automakers are starting to bring out vehicles lacking traditional OBD ports and leaning in on cloud-based diagnostics and remote data access.

These provisions reinforce the fundamental right of vehicle owners and service providers to maintain and repair their vehicles without being locked into dealership-only models. I recall sitting in Massachusetts over six years ago, alongside peers from industry associations, drafting language to address secure gateway access. We were facing a real, immediate challenge when Stellantis (then FCA) introduced the first Secure Gateway Module (SGW), briefly locking independent repairers out of key diagnostic functions. The Specific language that we got into the 2020 Massachusetts law necessitated that any secure gateway enabled on a modern vehicle must be standardized across all makes and models and administered by an entity unaffiliated with the vehicle manufacturer.

The Rise of Secure Gateways: A Barrier to Independent Repair?

Secure gateways are cybersecurity features automakers use to regulate access to a vehicle's electronic control units (ECUs). While these systems protect against cyber threats, they can also challenge independent repairers by restricting essential diagnostic procedures, including fault code clearing and bi-directional vehicle component tests.

FCA's motivation for introducing the SGW stemmed from growing concerns over vehicle cybersecurity, highlighted in a well-publicized incident in which security researchers remotely accessed a Jeep Cherokee's critical systems in 2015. Although this hack primarily targeted the infotainment

system, it raised red flags that automakers needed stronger cybersecurity measures. In response, FCA developed the SGW to safeguard internal vehicle networks, aiming to reduce cyber risks. However, this added layer of protection unintentionally limited independent shops' ability to perform legitimate diagnostics and repairs.

Independent repairers had to scramble for workarounds. Aftermarket organizations, tool manufacturers, and repairers raised concerns over the effects on competition and access. FCA responded with a registered-user system so independent shops could request access, but this system introduced extra steps—including account verification, licensing requirements, and fees that dealerships did not face.

This trend continued as other automakers implemented their own secure gateway configurations. Some even require proof of professional training before granting access, which can pose challenges for smaller shops that lack the same resources or credentials as dealerships. If handled poorly, secure gateways risk becoming de facto barriers against competition from non-dealer service providers.

Recently, NASTF announced that Hyundai and Kia secure gateway access will soon be available—potentially in a standardized way. This could be a positive step forward, so long as NASTF allows any registered aftermarket diagnostic tool to access the secure gateway, much like the FCA solution that was eventually deployed. However, if NASTF implements the same stringent process it uses for key replacement—requiring user identification, professional credentials, and additional OEM-imposed requirements—it could create barriers instead of solutions. This is an important development to watch closely.

The 2020 Massachusetts Right to Repair law ensures that secure gateways are standardized and not arbitrarily restricted by manufacturer policies. It also opens the door for third-party organizations, such as ETI, NASTF, and others, to work with automakers to ensure secure gateway access complies with the open access requirements outlined in the 2020 legislation.

Telematics Access:

The Competing Approaches

Telematics access was especially contentious. The debate centered on whether automakers should grant independent repairers telematics data—and how. Although telematics was mentioned in the 2012 Massachusetts law and the 2014 MOU, the language was very basic and it was seen by many as a compromise to get these over the line and the issue was deferred until 2020, when telematics had become increasingly critical.

SVI vs. ExVE:

The Competing Approaches

To address telematics access, two competing solutions have been developed.

1. Secure Vehicle Interface (SVI):

Championed by Autocare and the Right to Repair Coalition, SVI grants independent repairers direct access to the vehicle's gateway, enabling real-time and unrestricted access to direct communication with the vehicle's ECUs.

2. Extended Vehicle (ExVE):

Supported by many automakers, ExVE creates a digital twin (or extended vehicle) in the cloud, with data access controlled by the manufacturer. Independent repairers would access repair data through an OEM-managed API or portal, potentially limiting real-time capabilities to only prescribed diagnostic functions. A related concept, Service-Oriented Vehicle Diagnostics (SOVD), extends the manufacturer-controlled model into the vehicle itself, regulating data at the OBD port.

Several industry stakeholders, including NHTSA, weighed in on this debate, recognizing the implications for safety, security, and competition. Massachusetts' 2020 law favors an SVI model, ensuring direct rather than cloud-based access. Implementing SVI across all automakers, however, remains a significant technical challenge requiring considerable time and collaboration.

With the recent Massachusetts ruling, there may now be an opportunity for automakers and the Right to Repair Coalition to negotiate further on both the technology used for telematics access and the timeline for its implementation. While automakers have historically resisted direct access models, this ruling provides a strong regulatory foundation that may encourage further industry discussions on feasibility and security concerns.

As vehicle technology progresses, standardized, equitable, and competitive repair access is crucial. The Massachusetts law reflects years of discussion among industry leaders. Moving forward, it's essential that new diagnostic technologies become enablers of open repair access, rather than barriers. One key element of any solution should be that the aftermarket has not only the same data, but the same means for access to the data as dealerships and OEM authorized repairers.

History of Right to Repair —

From the Original Massachusetts Law to the 2014 MOU

The Original 2012 Massachusetts Law

The Right to Repair movement saw a defining moment in 2012, when Massachusetts voters overwhelmingly passed a law requiring automakers to provide independent repair shops the same diagnostic and repair information available to franchised dealers. This demonstrated broad public support for a level playing field. Key provisions included:

- Standardizing OE diagnostics through the SAE J2534 interface
- Making diagnostic subscriptions available daily, monthly, or annually to anyone
- Requiring OEMs to license and provide access to repair information and tool data

Formation of the 2014 National Memorandum of Understanding (MOU)

To avoid a patchwork of state laws, major automakers and aftermarket representatives negotiated a voluntary national MOU in 2014. This effectively extended the Massachusetts provisions nationwide. Automakers agreed to provide the same repair and diagnostic tools used by dealerships, enabling independent shops to conduct repairs. One compromise was that motorcycles, and heavy-duty vehicles were omitted from the final MOU (and from Massachusetts' law), and telematics access was limited.

Early Successes: OE Tool Adoption

The 2014 MOU gave independent repairers unprecedented access to manufacturer-specific tools and data. Many collision shops, diagnostic tool providers, and aftermarket service centers embraced OE scanning solutions and reprogramming software that dealerships had previously kept in-house. This greatly improved repair accuracy and service speed, benefiting consumers.

The MOU also laid the groundwork for widespread OE scanning procedures, including position papers, that help identify hidden damage or trouble codes during collision repairs. Indeed, much of today's OE scanning in the collision industry would not be possible without the original Right to Repair language and subsequent MOU. Independent repairers gained the same diagnostic tools as dealerships, aligning collision repair practices across the entire industry.

Limitations of the 2014 MOU

Though it set valuable precedents, the MOU did not fully address fast-moving developments like telematics, secure gateways, and advanced cybersecurity. Some automakers used new technologies to reassert control over vehicle data in ways not envisioned in 2014. This gap led Massachusetts to introduce its 2020 law, tackling the complexities of modern vehicles head-on.

How This Decision Builds on the National Right to Repair Framework

The 2020 Massachusetts law builds on earlier R2R milestones. The landmark 2012 law inspired the 2014 MOU, which standardized repair access rules nationwide. However, as vehicle technology advances, secure gateways have already begun to create access limitations and instructions of cloud-based diagnostics and telematics potentially create further access limits. By mandating secure gateway and telematics access, the 2020 Massachusetts law and the recent court ruling seek to keep Right to Repair aligned with emerging technologies. This prevents "digital roadblocks" that could effectively force customers into dealership-only repairs.

Heavy-Duty Vehicles and the Unresolved Right to Repair Gap

The Original Heavy-Duty MOU and Its Lack of Enforcement

While the 2014 MOU addressed light-duty vehicles, a parallel agreement for heavy-duty (HD) trucks was also drafted around that time. However, the HD MOU lacked any formal enforcement mechanism; participation was voluntary, and no state or federal entity monitored compliance. Unlike in Massachusetts, where a written law backed up the MOU, the HD MOU had minimal "teeth," leaving many HD manufacturers free to set their own policies on data access.

Ongoing Challenges: Limited Short-Term Subscriptions and VCI Standards

Because enforcement was weak, HD vehicle owners and independent service providers still face hurdles. Affordable short-term subscriptions—essential for essential diagnostics—are often unavailable. While SAE J2534 became the industry-standard interface for many light-duty vehicles, the HD MOU permitted alternatives. Without a mandated standard, independent shops are forced to purchase proprietary hardware and software from multiple OEMs, increasing costs and complexity.

Impact on Heavy-Duty Repair

- **Inconsistent Access:** Some HD manufacturers cooperate, while others charge high fees or outright deny third-party access.
- **Proprietary Lock-Ins:** Without a universal standard, shops often rely on brand-specific hardware that can be costly and limited in scope.
- **Inadequate Enforcement:** No enforcement mechanism means little recourse for independent repairers if OEMs impose restrictive policies.



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The Path Forward

The HD segment highlights why enforceable legislation is crucial for Right to Repair. Future updates to federal R2R laws or new MOUs should explicitly include HD vehicles, mandating standardized communication protocols (like an HD equivalent of J2534) and guaranteeing short-term subscription models that are reasonably priced.

Alternative Non-Binding MOUs

In response to the 2020 Massachusetts Right to Repair law, the Auto Alliance drafted an alternative MOU and lobbied for a federal proposal called SAFE (Safety as a First Emphasis). This was to uphold their position on telematics and argue that the original Right to Repair MOU still sufficed.

However, SAFE has been challenged by Right to Repair advocates for several reasons. It does not ensure equal telematics access for independent repairers and dealerships, nor does it address standardized secure gateway requirements. Under SAFE, automakers could still dictate who may service vehicles, potentially undermining the core principles of Right to Repair. Additionally, SAFE's provision tying telematics access to the absence of a physical OBD port or lack of that function on an OBD port contradicts the idea that if dealerships have telematics access, independent repairers should, too.

Because the alternative MOU and SAFE are not co-signed by the Right to Repair Coalition (the group behind the 2014 MOU and 2020 law), there is no clear enforcement mechanism—similar to what happened in the heavy-duty MOU. Without a dedicated enforcement path, SAFE risks failing to provide real benefits for independent repairers.

Call to Action:

Crafting a Modernized National MOU with Key Parties

While the Massachusetts ruling is a landmark for Right to Repair, automakers may still appeal. Yet this moment represents a strategic opportunity for the automotive industry and the Right to Repair Coalition to collaborate on a revised national MOU. The original 2014 MOU laid strong foundations but did not anticipate secure gateways, telematics-based diagnostics, or cloud-connected systems. Rather than pursuing further legal battles, all sides can consider updating the MOU to balance cybersecurity and competition.

A modernized MOU between the Auto Alliance and the Right to Repair Coalition could:

- Establish a standardized framework for secure gateway authentication that protects vehicle systems while granting independent repairers fair access.
- Clarify telematics policies so independent shops can retrieve the same real-time data as dealerships, without excessive fees or procedural hurdles.

By engaging now, the industry can shape a future where innovation, competition, and consumer choice thrive. A well-crafted agreement could provide regulatory clarity while making Right to Repair both practical and enforceable in a rapidly evolving automotive landscape.

Advancing Standardization, Compliance, and Federal Legislation in Vehicle Repair

Although the recent Massachusetts ruling is a major step forward, several issues remain—particularly around vehicles with Advanced Driver Assistance Systems (ADAS). The ruling also does not address the cost of OEM licensing fees for diagnostics, service information, and secure gateways. So while it is a key milestone, it is unlikely to be the final chapter of Right to Repair.

Immediately, OEMs must comply with the 2020 Massachusetts law by implementing secure gateway and telematics access in a standardized, transparent manner. Independent repairers should have data access equal to dealership networks, without unnecessary restrictions or prohibitive fees. For instance, one automaker currently requires professional technical certifications to access its secure gateway—a measure meant to assure quality, but which may also inadvertently limit access for small businesses.

On a broader level, this ruling bolsters the case for a federal Right to Equitable and Professional Auto Industry Repair (REPAIR) Act. Introduced last Congress, it did not pass but is expected to be reintroduced. The REPAIR Act seeks a nationwide R2R framework, preventing a patchwork of state laws. The Auto Alliance, meanwhile, is pursuing SAFE, reflecting the positions outlined in its alternative MOU. A federal law could supersede local laws and potentially alter or reduce the effectiveness of the original 2014 MOU or 2020 initiatives.

The REPAIR Act and SAFE Act are interesting legislative developments, but it is critical that any national law moves the industry forward without compromising the protections already established in the 2014 MOU or the 2020 Massachusetts law regarding secure gateways. Many stakeholders—automakers, repairers, and consumers—were deeply involved in crafting those regulations, which are vital to preserving competition and ensuring independent access to essential repair data. Any new legislation should enhance these rights, not erode them.

Collaboration is crucial to ensure secure gateways do not stifle competition. Independent repairers, diagnostic tool providers, and OEMs can work together on standardized methods of secure gateway authentication that protect

against cyber threats while keeping repair functionality open.

Emerging technologies like Service-Oriented Vehicle Diagnostics (SOVD) are also reshaping repair access. SOVD moves toward server-based diagnostics, creating additional layers between raw data and repair providers. While it offers advanced analytics and predictive maintenance and shows great potential, the industry must remain vigilant to ensure direct vehicle bus access is maintained thru these systems as well, so the layers do not limit independent repairers' ability to access essential diagnostic data. Ongoing legislative action, industry collaboration, and technological vigilance remain essential for a more equitable and competitive automotive environment.

Diagnostics and Modification Challenges Beyond Right to Repair

Even though the 2020 Massachusetts ruling and efforts like the REPAIR Act have created a framework for standardized access (via SAE J2534 pass-thru devices, secure gateways, and telematics), the industry still faces additional challenges—especially around vehicle modifications and customizations. This is particularly relevant for Specialty Equipment Market Association (SEMA) members. As vehicles evolve, ensuring that modifications do not compromise ADAS and other systems is vital. Legislation generally cannot set fixed pricing for OEM diagnostic services; it can only require that prices remain fair and reasonable.



Navigating Data Access Challenges in the Aftermarket

The Right to Repair movement has been supported by Environmental Protection Agency (EPA) and California Air Resources Board (CARB) regulations, requiring OEMs to license diagnostic and repair data to third-party aftermarket service providers. Meanwhile, exemptions under the Digital Millennium Copyright Act (DMCA) permit the circumvention of certain technological measures for vehicle repair.

The Equipment and Tool Institute (ETI), founded in 1947, helps bridge gaps between the aftermarket and OEMs by promoting open dialogue and providing technical data. Its TEK-NET Library holds more than 300 gigabytes of automotive technical documentation, accessible to ETI full members.² However, ETI does not have authority to regulate OEM pricing. Without clear definitions of “fair and reasonable,” some manufacturers may impose restrictive fees or delay data release, hindering independent repairers and aftermarket businesses.

The Right to Equitable and Professional Auto Industry Repair (REPAIR) Act would require automakers to provide essential diagnostic and repair information on fair and reasonable terms. Similarly, in the EU, the Type Approval Regulation (EU) 2018/858 obligates manufacturers to grant independent operators standardized access to repair and maintenance information.³ Despite such measures, ambiguity persists around “fair and reasonable.” OEMs can still set prices and conditions that present real barriers for smaller shops. The forthcoming Data Act in the EU (effective September 2025) aims to clarify data access, but successful implementation will require detailed frameworks.

Ongoing collaboration among legislators, industry stakeholders, and consumer advocates is necessary to refine regulations on “fair and reasonable” pricing. ETI continues to advocate for licensing and access to OEM repair information, helping ensure an even playing field between authorized and independent service providers—and preserving consumer choice and innovation in the aftermarket

NHTSA’s 2029 ADAS Mandates and Their Impact on Vehicle Repair and Customization

The National Highway Traffic Safety Administration (NHTSA) has finalized a rule requiring, by September 2029, all new passenger cars and light trucks to include Automatic Emergency Braking (AEB) systems with pedestrian detection. This initiative is expected to save at least 360 lives and prevent 24,000 injuries annually.⁶ By regulation, AEB must detect and respond to imminent collisions at speeds up to 90 mph (vehicle-to-vehicle) and 45 mph (vehicle-to-pedestrian).⁷

For the repair industry, this means meeting new compliance requirements. Repairers must ensure AEB and other ADAS components—lane-keeping assist, adaptive cruise control, etc.—are fully operational and meet performance standards after any repair or modification. Shops may need advanced diagnostic tools, updated training, and new repair protocols to meet federal safety mandates.⁸

Vehicle modifications also introduce complexity. Components such as custom bumpers, lift kits, and performance enhancements can affect ADAS sensors and cameras, potentially compromising system performance. The Specialty Equipment Market Association (SEMA) is researching how these modifications affect ADAS calibrations.⁹

The Necessity of an ADAS Readiness Test

As ADAS technologies become standard, a uniform readiness test could confirm that safety systems remain functional post-repair or modification. This test could:

- Verify ADAS operational and calibration status on any motor vehicle
- Provide clear data to confirm compliance with OEM specifications
- Help SEMA members gauge the impact of modifications on ADAS function

An ADAS readiness test parallels the OBD-II readiness tests introduced in the 1990s, which ensure vehicles meet emissions standards before returning to the road. Incorporating such a test into NHTSA's 2029 mandates would help standardize safe modifications, ensuring they don't exceed functional tolerances (e.g., adjusting tire size or lift height beyond acceptable ranges). Additionally, more OEM specs and tolerances for ADAS—by manufacturer and model—would benefit the aftermarket and customization industries and help solve this critical challenge.

The Road Ahead: Strengthening Industry Collaboration

Recent regulatory developments encourage OEMs and the aftermarket to innovate together on solutions that promote safety, competition, and consumer choice. The SEMA Garage, for instance, demonstrates how joint efforts can help the industry navigate emissions compliance.¹⁰ Building on this model, automakers and the aftermarket might collaborate on standardized approaches to ADAS recalibration and modifications.

While the Massachusetts Right to Repair law marks a significant milestone, it does not fully address issues related to vehicle modification or ensure equitable access to essential diagnostic data. Greater advocacy is needed to protect both repair and customization freedoms. Vehicles should be designed with flexibility in mind, allowing independent repairers and aftermarket businesses to recalibrate as needed. If not, the long tradition of customizing vehicles—a core part of automotive culture—may face increased limitations.

A Call for Vigilance and Proactive Engagement

The recent ruling advances the principles of fairness and competition in the automotive industry. However, continued vigilance is essential. As technology evolves, OEMs may explore new approaches that could limit vehicle repair or customization. The aftermarket sector must remain unified and proactive to secure access to vital repair and modification tools.

My nearly two decades in Right to Repair have shown that while this ruling is a significant milestone for the Right to Repair Coalition, it also serves as a forward-looking guide. Maintaining fair competition, encouraging innovation, and ensuring consumer choice in automotive repair and modification demands sustained commitment and collaboration.

To build on this momentum, I encourage key stakeholders to convene in person—just as we did from 2012 to 2014—to negotiate a new Memorandum of Understanding (MOU). The goal should be clear: independent repairers and tool providers must have the same diagnostic and repair capabilities as dealerships—at fair and reasonable prices. While there were disagreements and compromises in crafting the 2014 MOU, the outcome spurred remarkable collaboration among automakers, the aftermarket, and tool providers. The progress we've achieved since then illustrates what can happen when everyone engages in open dialogue, aiming to ensure that independent repairers have the same level of access, at fair and reasonable terms, as dealership networks.

Beyond the MOU, I also invite OEMs and the broader repair and customization community to unite around the challenges posed by NHTSA's 2029 ADAS mandate. Together, we can establish a standardized approach to verifying that Advanced Driver Assistance Systems remain fully functional and calibrated—even in vehicles with aftermarket modifications such as lift kits, larger wheels and tires, and enhanced bumpers. By collaborating early on, we can preserve the thriving customization culture while maintaining the highest standards of road safety.





About The Author:

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For more information on Opus IVS, please visit <https://www.opusivs.com/>.

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