

Jeffrey Groves
Yarmouth
LD 1467

Testimony of Jeffrey Groves in Opposition to LD 1467, An Act to Ensure Accountability for Repairs Conducted by Independent Repair Facilities on Motor Vehicles Under Warranty

My name is Jeffrey Groves. I live in Yarmouth, Maine. I am a retired general counsel for O'Reilly Auto Parts and served as a member of the Maine Attorney General's Right-to-Repair working group. I submit this testimony in opposition to LD 1467.

This bill creates statutory liability for an Independent Automotive Repairer who performs a repair on a vehicle that is still under the manufacturer's warranty.

It is unclear how often it happens to have an automobile repair done by an Independent Repairer when the vehicle is still under warranty. To be sure, most vehicle owners will want to take their vehicle to a dealership to have a repair performed without additional payment pursuant to the written warranty provided by the manufacturer to induce someone to purchase a new automobile. There are reasons however why an owner may choose to repair outside a warranty. The most likely situation is when the vehicle owner has an emergency situation and a manufacturer's repair facility is not available or is not convenient. At this point, it is the owner's choice to have a repair done under these circumstances and to assess whether the independent mechanic available is someone they want to engage to fix their vehicle. If that repair is undertaken in a manner that is negligent (beyond the proper standard of care for a repairer in that situation) ample common law remedies already exist for the owner of the vehicle including claims or suits in negligence and breach of contract. If the repairer holds itself out to be knowledgeable and capable, and is not, perhaps an additional common law remedy would exist for negligent or material misrepresentation. There is absolutely no need to create additional statutory liability or damages in such a situation or to further extend, beyond long settled common law, the range of damages that are available.

In reality, this bill simply creates additional barriers for Maine independent repairers to help Maine vehicle owners in an emergency situation. Not only does it create a barrier, it creates an additional reason for independent repairers to refuse to perform such repairs, even when someone is in an emergency. The purpose of this bill is to push that repair and any corresponding sale of parts to dealerships in privity with automakers. In doing so, it also creates additional wait time for consumers/owners of vehicles for repairs and takes away choice from a vehicle's owner, especially one who may need emergency repair to get to work, to go to the hospital or doctor to simply go to the grocery store. There is no need for this bill. It favors only automakers and their dealers at the expense of the public and of choice, it is anti-competitive and creates substantial barriers for Maine businesses that perform independent repair.

Sincerely,
Jeffrey Groves