

NATIONAL AUTOMOTIVE SERVICE TASK FORCE AUTOMOTIVE SERVICE INFORMATION STANDARDS

BACKGROUND. The National Automotive Service Task Force (NASTF) Board of Directors recognizes that individual Motor Vehicle Manufacturers must adopt these Automotive Service Information Standards to be bound by them. The purpose of these standards is for Motor Vehicle Manufacturers to expressly demonstrate their commitment to working through the NASTF to maintain an open and competitive automotive repair industry in the United States for the benefit of all stakeholders and consumers.

The adoption of these Standards is not intended to confer any rights on any individual or entity other than through the NASTF or the NASTF Information Request and Resolution Process referred to herein. In no event shall the resolution of any NASTF proceeding or any information related thereto, be introduced or used in connection with any proceeding other than the NASTF Information Request and Resolution Process without the express written permission of NASTF.

I. DEFINITIONS

- A. “EPA” means the United States Environmental Protection Agency.

- B. “Indirect Information” means any information that is not specifically contained in the service literature, but is contained in items such as tools or equipment provided to authorized dealers or others. This includes computer or anti-theft system initialization information necessary for the completion of any repair on motor vehicles that employ integral vehicle security systems.

- C. “Motor Vehicle” means any self-propelled four-wheeled vehicle with a Gross Vehicle Weight Rating of 14,000 pounds or less designed for transporting persons or property on public roads, and which is subject to the onboard-diagnostic system (OBD) requirements of Part 86 of Title 40 of the Code of Federal Regulations; provided that a vehicle model that is sold only to commercial fleets, only to the U.S. Armed Forces, only for export outside the United States, or offered only for lease is not deemed a “Motor Vehicle” for purposes of these Standards.

- D. “Motor Vehicle Manufacturer” or “OEM” means a person engaged in manufacturing or assembling of new Motor Vehicles, or importing such Motor Vehicles for resale, or who acts for and is under the control of any such person in connection with the distribution of new Motor Vehicles, but does not include any authorized dealer with respect to new Motor Vehicles received in commerce.

- E. “OEM Tools” means those tools available to an OEM’s authorized dealerships as set forth in the EPA regulations 40 CFR 86.1808-01 (f)(14). OEM Tools includes tools used on all applicable systems and is not restricted to emission-related tools.

- F. “Party” means the complainant(s) and/or respondent(s) involved in a NASTF Information Request and Resolution Process. NASTF is not considered a Party.

- G. “Requester” means the Service Provider requesting information in the NASTF Information Request and Resolution Process.

H. “Service Information” means any Motor Vehicle diagnostic, service, repair or maintenance information that has been made available to authorized dealers, including initialization information as referred to in Section II. B. 5. a) and b). Service Information includes information contained in repair manuals, wiring diagrams, technical service bulletins (TSBs), training information, and similar information communicated to authorized dealers. For purposes of these standards, Service Information does not include:

1. Information exchanged between individual authorized dealerships and OEMs for the purpose of better understanding and defining a technical or quality issue for which the need for a general remedy has not yet been defined or developed.
2. Information related to the administration of Motor Vehicle warranties, service contracts, or recalls under Federal or state law.
3. Dealership hot lines or tech lines.
4. Customer information.
5. Information related to the repair history of specific Motor Vehicles.
6. Access to training classes or sessions conducted by or for OEMs for authorized dealership personnel.
7. Information not made generally available to authorized dealerships by an OEM.

I. “Service Provider” means any person that, for compensation, services or repairs Motor Vehicles, manufactures tools or equipment for the servicing or repair of Motor Vehicles, or offers Motor Vehicle service or repair training.

J. “Tool Information” shall have the meaning set forth in the EPA regulations 40 CFR 86.1808-01 (f)(13), and shall include the Indirect Information required to emulate OEM Tools. Tool Information includes information related to OEM tools used on all applicable systems and is not restricted to emission-related tools.

II. AUTOMOTIVE SERVICE INFORMATION STANDARDS

A. Goals

1. To provide access, as defined in these Standards, to any Service Provider, the Service Information and OEM Tools made available by OEMs to their authorized dealers for the diagnosis and repair of Motor Vehicles.
2. To make Tool Information, as defined in these Standards, available to central repositories and/or equipment and tool companies.

B. Access to Service Information, Tool Information and OEM Tools.

To implement these goals, each OEM that adopts these Standards agrees to:

1. Except as otherwise set forth herein, provide access on a timely basis to Service Information, Tool Information and OEM Tools in the same manner and extent as specified in the EPA regulations governing the process for making available emissions related information, 40 CFR 86.096-38(g)(2)-(17) and 86.1808-01(f)(2)-(17). Any practice or action taken by an OEM that has received EPA approval as provided for under its regulations, including any alternative method of information dissemination approved by EPA, shall be deemed in compliance with these Standards.

Where EPA's regulations do not address how to provide access to the type of Service Information or OEM Tools at issue, access shall be to the same extent as for the authorized dealerships of the OEM. Service Information access need not be in the same medium as for authorized dealerships, provided it is by reasonably equivalent means.

If OEM Tools are available through an independent vendor(s), the commitment to make such tools generally available is satisfied, so long as the OEM does not place constraints on sales by the vendor(s).

2. Provide website access to Service Information.
3. Establish a response process consistent with the NASTF Standards.
4. Provide access for equipment and tool companies to all generic and enhanced Tool Information necessary to produce generic diagnostic scan tools and other diagnostic tools and equipment with the same functions as the OEM Tools. This commitment can be met by providing tool information to tool companies with whom the manufacturer has licensing, contractual and/or confidentiality arrangements, or through a central repository such as the one maintained by the Equipment and Tool Institute.
5. Make vehicle security-related information available:
 - a) Provide access to initialization information necessary for the proper installation of on-board computers or necessary for the completion of any repair on Motor Vehicles that employ integral vehicle security systems, or the repair or replacement of any Motor Vehicle component as specified in 40 CFR 86.1808-01(6); provided that the foregoing reference shall not limit this commitment to emissions systems. In accordance with EPA regulations, if an OEM makes available a special OEM Tool that contains the functionality to permit the completion of the repair of a Motor Vehicle that employs integral vehicle security systems, this commitment shall be deemed satisfied.
 - b) Commit to working on a process for making information available to locksmiths, automotive technicians, and other service professionals necessary to

reinitialize ignition keys for Motor Vehicles employing integral vehicle security systems in a manner that ensures motor vehicle security. The commitment can potentially be met by participating in the NASTF Secure Data Release Model (SDRM).

III. INFORMATION REQUEST AND RESOLUTION PROCESS

A. General Information

NASTF has established Information Access Committees to facilitate an open dialogue between OEMs and Service Providers and to identify and address any missing Service Information, Tool Information, and OEM Tools. Participation on these Committees is open to anyone.

NASTF Information Access Committees include the Service Information Committee, Equipment & Tools Committee, Vehicle Security Committee, and Collision Committee.

Information Access Committees meet via conference call or in person at least four times each year (once each quarter). Meetings and conference calls typically include OEMs representing a majority of the vehicle market.

Service Providers that believe Service Information, Tool Information, or OEM Tools are available to authorized dealers but not to Service Providers generally, are encouraged to use the NASTF Information Request and Resolution Process. For Service Information requests, the Requester must be subscribed to the OEM's Service Information source and must have been unable to locate the Service Information within that source. For OEM Tool requests, the Requester must have attempted to obtain the OEM Tool using the procedures established by the OEM.

Parties to the NASTF Information Request and Resolution Process must act in good faith and not to engage in or encourage abuse of the Process. NASTF staff shall review at least annually the implementation the NASTF Information Request and Resolution Process to assure that no abuses are occurring.

The purpose of the Information Request and Resolution Process is to determine if:

1. The requested Service Information, Tool Information, or OEM Tool is covered by these Standards and, if so,
2. If access to the requested Service Information, Tool Information, or OEM Tools is generally available.

The following are not within the scope of the NASTF Information Request and Resolution Process:

1. Price of Service Information, Tool Information, or OEM Tools.

2. Minimum system requirements to access Service Information. OEMs are required by EPA Regulations to list the hardware and software needed to access Service Information.
3. Access to OEM technician hotline information.
4. Service Information, Tool Information or OEM Tools not made generally available to authorized dealerships.

OEM diagnostic and repair procedures are determined solely by each individual OEM. It is not within the scope of the NASTF Information Request and Resolution Process to question or try to influence OEM diagnostic procedures or methodologies. OEMs are only required to provide access to the same methodologies they use for their own authorized repair network.

B. The Information Request Process

Any Service Provider unable to locate Service Information, Tool Information, or OEM Tools may, after a reasonable attempt to find such information on the OEM website, file an Information Request as follows:

1. Request the information through the “Contact Us”, “Support”, or similar link on the OEM website.
2. If a response is not received within one business day (10 business days for Tool Information), submit an Information Request to NASTF on www.nastf.org. The submission of such an Information Request will require:
 - a) Requester’s Name, phone number and/or email address.
 - b) Make, model, model year, and VIN of the subject vehicle (as applicable).
 - c) A description of the repair (complaint, cause, correction) that was unable to be completed (as applicable).
 - d) A description of the Service Information, Tool Information, or OEM Tool that the Requester could not locate (e.g., specific shop manual or a specific wiring diagram).
 - e) A description of all efforts undertaken to obtain the Service Information, Tool Information, or OEM Tool needed to complete the repair, including the username for the OEM website.
 - f) Additional specific information may be needed for Tool Information.
3. The NASTF Director will review the Information Request to ensure the information requested is covered by these Standards.

4. If the Information Request is valid, the NASTF Director will forward it to the appropriate OEM contact person. If the Information Request is not valid, she/he will so inform the Requester.

5. If the Service Information, Tool Information, or OEM Tool is available on the OEM website, the OEM will inform the Requester where it is located as soon as possible but within two business days (15 business days for Tool Information) after receiving the Information Request. The OEM is encouraged to contact the Requester directly.

6. If the requested Service information, Tool Information, or OEM Tool is available to authorized dealerships, but has not been made generally available the OEM will:

a) Provide access to the Requester as soon as possible, but no later than two business days (20 business days for Tool Information) after receiving the Information Request.

b) Provide access on its website within seven business days (20 business days for Tool Information) after receiving the Information Request.

7. If the OEM believes that the Information Request relates to an issue not covered by these Standards, it shall acknowledge the Information Request with an appropriate explanation (e.g., the information does not exist, the information is proprietary such as information licensed from a third party, etc.). This response should be made available as soon as possible but no later than two business days (20 business days for tools information) after receiving the Information Request.

C. Information Request Review Process

1. Information Access Review Subcommittees: The NASTF Board of Directors will appoint, based on slates of candidates put forward by each Information Access Committee, seven member Review Subcommittees to, at the request of a Party Requester, review any determination made by an OEM or NASTF Director pursuant to paragraph 7 or 4 above, respectively. The Information Request Review Subcommittees will function as follows:

a) Membership: Each Subcommittee shall include:

(1) Three repair technicians and/or shop owners or operators (Equipment & Tool Committee: Three representatives of Tool Companies)

(2) Three representatives from OEMs

(3) One representative representing neither of the above groups but with experience in appropriate Information access.

2. Actions:

- a) The appropriate Subcommittee will be copied on all Information Requests and all responses to Information Requests.
- b) A Requester must request a review of any OEM response within 10 days of receiving a copy of such response.
- c) If a Subcommittee review is requested, the NASTF Director will schedule a conference call for the Subcommittee within three business days.
- d) The Subcommittee will review the Information Request and the OEM response on the conference call, and agree by majority vote whether the OEM response was appropriate or not and provide the rationale for their decision.
- e) Within one day, the NASTF Director will report the Subcommittee's decision and rationale to the OEM and Requester involved.
- f) If the Subcommittee concludes the OEM response is appropriate no further action by the OEM is required.
- g) If the Subcommittee concludes that the OEM response is inappropriate and the OEM should provide access to the Service Information, Tool Information, or OEM Tool at issue, it will indicate a practical timeframe for doing so. The OEM should notify the NASTF Director within two business days (20 business days for Tool Information) if it accepts the Subcommittee's decision and if so, it should simultaneously (or as soon as practicable) make the information available to the Requester, making the same information generally available seven days thereafter.
- h) If either Party disputes a Subcommittee decision and decides to initiate arbitration, it must initiate arbitration referred to below within 15 business days after the OEM notifies the NASTF Director if it accepts the Subcommittee's decision.
- i) Notwithstanding the foregoing, in the event one Requester has filed an Information Request and has proceeded to binding arbitration, no other Information Request addressing the same information will be considered.
- j) Any time frame referred to in these Standards can be modified by mutual consent of the parties or by the NASTF Director.
- k) Inquiries, responses and Review Subcommittee reports will be posted on the NASTF website.

Due to the potential complexity and sensitivity of Indirect Information, the non-binding final decision of the appropriate Information Access Review Subcommittee will be the appeal process of last resort in cases regarding this kind of information. Primarily this includes Tool Information and vehicle security information.

Although not bound by this process, OEMs agree to provide requested Indirect Information when possible and to make every effort to positively change policies, procedures and future plans so that Indirect Information can be made available on later model year vehicles.

D. Arbitration Process

A Party electing to dispute the decision of a NASTF Information Request Review Subcommittee knowingly and voluntarily agrees that it may do so only by invoking this NASTF Arbitration Process. A Party may only invoke the Program once for any one Information Request.

By agreeing to arbitrate, the Parties may give up certain rights, including, but not limited to the right to go to court, the right to a jury trial, and the right to participate in a class action lawsuit as either a class member or a class representative. No class-wide arbitration of a dispute may be undertaken and no claim arising from a dispute (known or unknown) may be adjudicated in or be the basis for compensation as a result of any class action proceeding.

Both Parties understand that the Arbitration Process is the exclusive process and remedy for disputing the decision of a NASTF Review Subcommittee and waive any and all rights to alternative means and remedies for resolving such disputes.

1. Process

a) Any applicable dispute involving the decision of a NASTF Information Request Review Subcommittee must be resolved by binding arbitration under the applicable rules of an alternative dispute resolution (ADR) organization by a single arbitrator who shall be an attorney or a retired judge, with the arbitrator rendering a written decision. A Party disputing the decision of a NASTF Information Request Review Subcommittee must notify NASTF and the other Party of its intent to do so no later than 15 business days after receiving a copy of the Information Request Review Subcommittee decision report, and must also select one of the following ADR organizations:

- National Arbitration Forum (www.adrforum.com)
- American Arbitration Association, (www.adr.org)
- J.A.M.S./Endispute, (<http://www.jamsadr.com>)
- Better Business Bureau (<http://dc-easternpa.bbb.org/DisputeRes.asp>)
- Any other established ADR organization the Parties agree to.

b) Parties may obtain copies of the rules of the selected ADR organization by contacting it through its website or otherwise.

c) The arbitration shall take place in Loudon County, Virginia, USA, or such other location as the Parties agree. Each Party shall be responsible for its own attorney, expert, and other expenses. The losing party is responsible for the ADR organization's fees.

2. Decision

The arbitrator shall either uphold the decision of the NASTF Information Request Review Subcommittee or find it to be in error. The arbitrator's decision shall be based on a review of the Director's report, of the NASTF Automotive Service Information Standards Document, and of all other relevant information presented by the Parties. The arbitrator's decision shall be final and binding on the Parties, and may not be challenged by any other person.