

Summary of The Right to Equitable and Professional Auto Industry Repair (REPAIR) Act

The REPAIR Act (the Act) would preserve consumer access to high quality and affordable vehicle repair by ensuring that as vehicles continue to modernize, vehicle owners and their repairer of choice have equal access to repair and maintenance tools and data. As vehicles continue to become more technologically advanced, effectively repairing and maintaining them requires access to data, software, compatible replacement components, training, and sophisticated diagnostic tools. Current law is inadequate to address growing competitive concerns created by new technology, and the Act would seek to resolve current and future issues that prevent consumers and independent repair shops from being able to fully maintain and repair modern vehicles, while ensuring cybersecurity for critical vehicle systems.

- **Preserving Consumer Choice** – The bill would ensure that as vehicles modernize, vehicle owners will continue to have choice when it comes to repair and maintenance: they can either do the work themselves, which is a necessity for many low-income households, or they can have their vehicle repaired for them by a franchised dealer or independent repair shop. The legislation would prohibit impeding the vehicle owner or a repair shop from obtaining service information, tools, or parts, including the ability for a vehicle owner to choose aftermarket parts needed to fully maintain and repair a vehicle. The bill would similarly prohibit certain actions recognized as unfair and anticompetitive practices in the repair industry and provide a fair process for identifying other emerging unfair practices in the future.

- **Providing Access to Critical Repair Tools and Information** – The bill would ensure:
 - That all tools, equipment, and critical repair information needed to repair a vehicle be made available to the independent repair industry at a fair, reasonable, and non-discriminatory price;
 - That motor vehicle manufacturers utilizing wireless technology for the transmission of repair and diagnostic data, provide consumers and their designees (with permission of the vehicle owner) direct access to repair-, service-, diagnostic-, and prognostic-specific vehicle-generated data, and
 - That vehicle manufacturers are prohibited from restricting vehicle owners and their designees access to on-board diagnostic and telematic systems unless the authorization process is standardized across all makes and models across the industry. The Federal Trade Commission (FTC), in consultation with the National Highway Traffic Safety Administration (NHTSA), would designate an independent entity responsible for the authorization process necessary for owners to share the data directly with third parties through standardized access platforms.

- **Ensuring Cybersecurity and Transparency** – Effective cybersecurity and consumer transparency are the foundations of the Act:
 - **Cybersecurity** – The bill would expressly ensure that vehicle manufacturers may maintain effective cybersecurity measures. Motor vehicle manufacturers would develop standardized access platforms for the motor vehicles they manufacture. These platforms shall be interoperable and permit the secure communication of data directly from a vehicle to an owner or a third party that is authorized by the owner to receive the repair and diagnostic data. The bill would

also require the National Highway Traffic Safety Administration (NHTSA), in consultation with the FTC, to undertake a rulemaking ensuring that access to vehicle generated data via standardized access platforms meets appropriate industry standards for cybersecurity, data communication, and data management.

- **Transparency** – The legislation would provide a mechanism for informing vehicle owners that they can direct repair data from their vehicles to third parties, and whether data generated by their vehicles are being shared with such third parties (as directed by the vehicle owners) and/or the vehicle manufacturer.
- **Enforcement** – The bill would provide an enforcement process whereby consumers and independent repairers can file complaints with the FTC regarding an alleged violation of the Act. If remedial action is not taken within a reasonable time specified by the FTC, the bill would direct the FTC to investigate the claim and issue an order within five months of the claim.
- **Ensuring Industry and Consumer Engagement** – The bill would require the FTC to establish a Fair Competition After Vehicles Are Sold Advisory Committee comprised of impacted stakeholders including consumer advocates, motor vehicle manufacturers, trucking companies, independent repairers, dealership service centers, motor vehicle parts manufacturers, retailers and distributors, aftermarket parts and tools manufacturers, auto insurers, and others. The Advisory Committee would advise the FTC on implementation of the Act and identify newly emerging issues impacting the competitiveness of the vehicle repair industry and consumers' control over their vehicle-generated data, including whether consumers should be able to share access to additional types of vehicle-generated data through the bill's framework.
- **Report to Congress** – The bill would require the FTC to submit a biennial report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy & Commerce of the House of Representatives providing a summary of investigations conducted and orders issued; actions being taken by the FTC to adopt to changes and advances in motor vehicle technology in order to maintain competition in the motor vehicle aftermarket, recommendations for legislation that would improve the ability of the FTC and other agencies to protect consumers from unfair limits on competition in vehicle repair and a description of recommendations from the Advisory Committee that were not included in rulemakings and why the recommendations were not adopted.
- **Maintaining Consumer Choice in the Future** – The bill would mandate that the FTC consider whether to update the Act's consumer protections every three years based on advances in vehicle technology.

For more information, contact Gabrielle Hopkins, Auto Care Association (gabrielle.hopkins@autocare.org or 240-333-1075), Catherine Boland, MEMA (cboland@mema.org or 202-312-9241), Justin Rzepka, CAR Coalition (justin@carcoalition.com or 202-661-6382).