



October 31, 2023

The Honorable Cathy McMorris Rodgers
Chair
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Frank Pallone
Ranking Member
House Committee on Energy and Commerce
2322A Rayburn House Office Building
Washington, D.C. 20515

The Honorable Gus Bilirakis
Chairman
Subcommittee on Innovation, Data,
and Commerce
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Jan Schakowsky
Ranking Member
Subcommittee on Innovation, Data,
and Commerce
House Committee on Energy and Commerce
2322A Rayburn House Office Building
Washington, D.C. 20515

Dear Chair McMorris Rodgers, Ranking Member Pallone, Chairman Bilirakis, and Ranking Member Schakowsky,

Our organizations represent the companies at the forefront of innovations that will shape the future of transportation and mobility, as well as the retailers and independent repairers that are integral to maintaining the vehicle fleet, both now and in the future. At this transformative moment for our industry, we are concerned that the requirements of the Right to Equitable and Professional Auto Industry Repair (REPAIR) Act (H.R. 906) undercut U.S. innovation and undermine the privacy, security and safety of U.S. consumers. For these reasons, we strongly oppose the REPAIR Act.

When it comes to a consumer's right to choose where their vehicle is repaired, the automotive sector is the model of consumer choice. Consumers have a wide range of options on where to seek service or repair: these include working on the vehicle themselves or choosing to take it to a dealer or manufacturer repair facility, insurance company direct repair network, OEM certified independent collision center, Multi Shop Operator (MSO), or an independent repair facility.

Competition is alive and well in the automotive repair industry because all the information necessary to diagnose and repair a vehicle is available today. This is supported by the Federal Trade Commission's¹ (FTC) report noting that the automotive sector has been a leader in self-regulation of consumer repair choice. It is also why independent repair facilities currently perform the vast majority of automotive

¹ See FTC "Nixing the Fix" Report to Congress at 45-46, noting that the automotive sector has been a model of self-regulation for access to repair information.

diagnostic and repair work. Indeed, over 75 percent of out-of-warranty repair work is performed outside of an automaker's authorized network. This is the very definition of consumer choice.

Contrary to its stated purpose, the REPAIR Act does not advance consumers' ability to have their vehicles repaired by the repairer of their choice or ensure they will receive a safe repair. Instead, it is a mandate for a complex technical "solution" in search of a problem. What the REPAIR Act actually does is create new privacy, safety, and cybersecurity risks and open the door to expand the scope well beyond vehicle repair. For example:

- 1. The Bill Opens Access to ALL Vehicle Data Without Corresponding Consumer Protections:** The bill grants immediate remote access to vehicle-generated data for third parties. But the bill does not limit access to just the data needed to repair the vehicle. It also provides no consumer protections to address important issues, such as how third parties will confirm the identity of a vehicle's true owner, how third parties will obtain consent or how they would be required to protect the highly sensitive personal data from the vehicle, if there are any limits on designees' access to vehicle-generated data, liability and accountability for those accessing data, or how privacy and cybersecurity would be addressed before regulations are issued.
- 2. NHTSA has Long Maintained that the Key Attributes of the Bill's Standardized Access Platform are Inherently Unsafe:** NHTSA has [continuously](#) warned that an open data access platform presents a major safety threat when it is able "to, at scale, remotely access and send commands that affect a vehicle's critical safety systems." NHTSA has [further noted](#) how malicious actors "could utilize such open access to remotely command vehicles to operate dangerously, including attacking multiple vehicles concurrently." All those elements appear to be minimum features contemplated for the bill's "standardized access platform." While there are alternative methods for safely making repair data accessible, the bill rejects them in order to mandate a singular, technology-specific approach questioned by independent safety regulators.
- 3. The Bill's Scope Far Exceeds Right to Repair:** Although this legislation has been framed as being about what is generically called the "right to repair," it involves data far beyond what is necessary for diagnostics and repair and does nothing to ensure that the information and tools available today are utilized to produce a safe repair for consumers. The public should beware that this bill would provide a pathway for third parties to gain unfettered and unprotected access to virtually any type of vehicle data. Moreover, this broader scope is better suited to legislation that more comprehensively addresses issues arising from data generally, such as privacy.

The broad scope is most notably apparent from the bill empowering the FTC to require access for "designees" to additional types of data, to be used "for additional purposes" and "regardless of whether those types of data are related to motor vehicle repair." Clearly, this policy has no bearing on right to repair.

These are just some of the many concerns raised by the approach outlined in this legislation. Further, last year Ranking Member Jan Schakowsky (D-IL) requested that the Government Accountability Office (GAO) conduct a review of many of the questions at the heart of this legislation, including the state of competition in automotive repair and federal agencies' abilities to oversee competition in automotive repair. Such a study, which is ongoing, is a prudent step to evaluate the automotive repair landscape. We

believe this report, which is expected to be completed in the coming months, should inform any effort to legislate on this topic.

This is an exciting and transformative moment for the global auto industry as new technologies reshape personal transportation. Without question, the evolution of automotive technology will change how consumers, businesses, and society interact with vehicles. The REPAIR Act would jeopardize these changes by undermining consumer trust in this technology and creating completely unnecessary risks to privacy, security, and vehicle safety. At this time of tremendous innovation, automakers remain committed to providing independent repairers with the tools and information necessary to keep pace with this generational transformation of the industry.

On behalf of our members and the millions of American jobs they support - including those across the independent repair community - we oppose H.R. 906 and look forward to working with you to maintain a competitive automotive repair market, protect consumer privacy, ensure vehicle security and safety, and keep the United States at the forefront of global automotive and personal mobility innovation.

Sincerely,

Alliance for Automotive Innovation

American Automotive Policy Council (AAPC)

American International Automobile Dealers Association (AIADA)

Automotive Service Association (ASA)

Autos Drive America

National Association of Minority Automobile Dealers (NAMAD)

National Automobile Dealers Association (NADA)

Society of Collision Repair Specialists (SCRS)

TechNet

Truck & Engine Manufacturers Association (EMA)

Zero Emission Transportation Association (ZETA)

