



REPAIR Act Q&A

Key messages for approved spokespeople regarding media inquiries around the REPAIR Act. For media inquiries surrounding MA Right to Repair 2.0, please refer to Lisa Foshee and Stacey Miller.

Q: What is the REPAIR Act?

A: If enacted, the REPAIR Act (the Act) preserves 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 repair and maintenance 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.

Q: Why is the REPAIR Act needed?

A: Direct access to vehicle data is under threat by vehicle manufacturers. Through a 2014 Memorandum of Understanding (MOU) between the aftermarket and vehicle manufacturers, vehicle owners and technicians have equitable rights to the same service information, tools, and software that car companies make available to their franchised dealers. Further, all repairers have open access to the vehicle's on-board diagnostic port required for all internal combustion engines by the Clean Air Act and which ensure access to in-vehicle data necessary to diagnose and repair a vehicle. However, in the digital age of the modern car, vehicle data is now transmitted wirelessly and sent directly only to vehicle manufacturers. In 2021, 50% of cars have these connected capabilities and by 2030, about 95% of new vehicles sold globally will have this connectivity (McKinsey).

Wireless transmission of data, also known as telematics, allows vehicles to be diagnosed and in some cases, repaired without ever going to a shop. While access to this data could provide many benefits to car owners, currently the data is sent only to the vehicle manufacturer who then serves as gatekeeper for the data, determining who can have access and at what cost. This is a detriment to consumers, which could result in:

- Increased cost to the consumer
- Limited consumer choice in where they take their vehicle for maintenance and repair
- Impact to consumer safety and security with unstandardized data
- Lack of privacy: drivers unwittingly generate new revenue streams for vehicle manufacturers every time they get behind the wheel

For the aftermarket, this can result in:

- Loss of innovation when it comes to the repair and diagnostic services designed to increase repair efficiency and reduce repair costs for consumers
- Absence of competition and an unfair playing field due to the manufacturer's monopoly over vehicle data

In addition to an inability to access repair and maintenance telematics, there are other barriers to vehicle repair and maintenance that independent repair shops currently experience that reduce competition and increase repair costs for consumers. This includes marketing practices that dissuade vehicle owners from using aftermarket parts or independent repair shops; as well as the adoption of technology that is aimed at reducing competition in the vehicle parts and repair market.

Q: How does the REPAIR Act benefit the aftermarket?

A: The bill would provide access to critical repair tools and information and ensure that:

- All tools, equipment, schematics, software, etc. needed to repair a vehicle be made available to the independent repair industry at a fair, reasonable, and non-discriminatory price. This would apply to both electric vehicles and gas powered vehicles;
- Motor vehicle manufacturers utilizing wireless technology for the transmission of repair and diagnostic data, provide consumers and repair shops (with permission of the vehicle owner) direct access to repair-, service-, diagnostic-, and prognostic-specific vehicle-generated data; and
- Vehicle manufacturers are prohibited from restricting 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 a standardized platform.
- Manufacturers may not mandate or imply to mandate the use of a particular brand of parts, tools, and equipment (outside of warranties and recalls).

Q: How does the REPAIR Act benefit the consumer?

A: Preserving consumer choice is at the heart of this bill. 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 an unbiased process for identifying other emerging unfair practices in the future.



Foundation of the REPAIR Act also rest on ensuring cybersecurity and transparency for the consumer:

- In regard to cybersecurity, the bill would expressly ensure that vehicle manufacturers may maintain effective cybersecurity measures. Motor vehicle manufacturers would develop standardized access platforms for the vehicles they manufacture. These platforms shall be inter-operable 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 cyber security, data communication, and data management.
- In regard to 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.

Q: How would the REPAIR Act be enforced?

A: 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. More information on enforcement can be found in the bill summary.

Q: What happens if the REPAIR Act is not passed?

A: If the REPAIR Act is not passed, consumers will potentially face increased costs and inconvenience - losing their choice of where to repair their vehicle, what parts they can use and what price they pay. Of particular concern is the current practice by some electric vehicle manufacturers to sidestep the Right to Repair MOU based on the fact that they do not have franchised dealers and their vehicles are not required to have on-board diagnostic systems under the Clean Air Act. Under this scenario, the growing number of electric vehicle owners are being forced to inconveniently have their vehicle serviced by a limited number of company owned repair facilities. Left unabated, the current repair situation could inhibit growth of EV as a part of our Nation's vehicle fleet. For the aftermarket, 4.4 million jobs will be at stake, threatening the livelihood of over 500,000 businesses that contribute 3.2% of U.S. GDP.

Q: What can someone do to support the REPAIR Act?

A: If you're in the automotive industry, head to repairact.com to send a letter to your legislator asking them to co-sponsor the REPAIR Act and what the impact could be to your business and your job.

Q: How will the vehicle data be secured/how can the consumer be confident that their vehicle data is secure?



A: Implementing ISO standards currently in existence allows the application of safe, secure, standardized, and direct access to vehicle maintenance data and can make technicians, diagnostic tools and accessories trusted entities, as the vehicle owner dictates. This is the same organization that develops food safety standards, manufacturing standards (ISO 9000, 9001), and standards for virtually any critical industry worldwide. These vetted international standards (including those from ISO, IEEE, SAE, and CEN) if implemented, can enable consumers to maintain their choice and feel comfortable that their vehicle data is safe and secure. ISO standards support the establishment of governance bodies made up of regulatory and industry stakeholders to establish fair and equitable policies that ensure safety, security, competition, and innovation across the entire transportation ecosystem.

Q: Does granting third-party data access to vehicles create any potential security or safety risks for vehicle owners?

A: Cybersecurity is a cornerstone of this legislation. Cybersecurity standards and guidelines put in place during the course of the rulemaking process, with necessary input from vehicle manufacturers, the repair industry, and tool suppliers will ensure the security of vehicle systems and vehicle data when vehicle data is accessed by vehicle owners and / or their designees.

Q: Does the Auto Care Association, MEMA Aftermarket and CAR Coalition expect the REPAIR Act to receive bipartisan support in Congress?

A: We do. The REPAIR Act is a bipartisan issue that we can all get behind.

Q: If enacted, how soon would the REPAIR Act require automakers to share vehicle data with vehicle owners?

A: Vehicle manufacturers would be required to share vehicle data with vehicle owners upon enactment. However, standardized access to vehicle data by owners and their designees would not be required until 12 months after the publication of the implementing regulation.