



# REPAIR Act

## *Section by Section Summary*

### Section 2: Findings

As vehicles continue to modernize, it is in the interest of the United States to foster competition in the motor vehicle repair industry and ensure that vehicle owners and their designees not be limited in their choices for vehicle maintenance, service, and repair. This requires empowering vehicle owners to choose who and when to share access to their vehicle-generated data, and ensuring that vehicle owners and their designees have access to all tools, parts, and other information necessary for vehicle repair and maintenance.

### Section 3: Maintaining Competition After Consumers Purchase or Lease Their Motor Vehicles

Ensures that as vehicles modernize, vehicle owners will continue to have choice when it comes to repair and maintenance. The Act prohibits 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. Additionally, motor vehicle manufacturers shall, upon enactment, provide motor vehicle owners and their designees with access to critical repair information, software and tools needed for the repair and maintenance of their vehicle.

Within 12 months of publication of a final rule issued by the National Highway Traffic Safety Administration, in consultation with Federal Trade Commission, motor vehicle manufacturers utilizing wireless technology for the transmission of repair and diagnostic data shall be required to provide motor vehicle owners and their designees with standardized, direct access to vehicle-generated data needed for the repair and maintenance of their vehicle via standardized access platforms. Such access shall be governed by cybersecurity standards issued by NHTSA that protect both the vehicle data and vehicle systems. Access to the data will be managed by an independent entity and will only occur with authorization of the owner.

Provides that motor vehicle manufacturer, outside of recall and warranty repairs, shall not mandate or imply to mandate to consumers brands of parts, tools, or equipment or recommend the use of brands of parts, tools, or equipment without a prominent disclosure that vehicle owners have a choice in which parts, tools, and equipment to use.

States that nothing in the REPAIR Act will preclude a motor vehicle manufacturer from employing cryptographic or technological protections necessary to secure vehicle generated data, safety critical systems, and vehicles.

Further, vehicle owners will be notified when vehicle data is being accessed by either the motor vehicle manufacturer or a repair shop via an in-vehicle screen or through a mobile device. Any provision of a contract entered into after the date of enactment, that violates this Act is null and void.

### Section 4: Fair Competition After Vehicles Are Sold Advisory Committee



Requires the FTC to establish an advisory committee comprised of impacted stakeholders including consumer advocates, motor vehicle manufacturers, trucking companies, independent repairers, dealership service centers, motor vehicle parts manufacturers, aftermarket parts and tools manufacturers, auto insurers, and others. The advisory committee will advise the FTC on the implementation of the Act and identify newly emerging issues impacting the competitiveness of the vehicle repair industry and consumers' control over their vehicle data, including whether consumers should be able to share access to additional types of vehicle data not specifically mandated in the legislation. The committee will submit an annual report to the Chair with a copy sent to Congress.

#### Section 5: Rulemaking and Other Directives

Within one year of enactment, NHTSA in consultation with the FTC, shall issue standards for access to data through standardized access platforms and establish guidance to ensure the security of vehicle generated data and vehicle systems as related to the Act.

No later than 2 years after enactment, the FTC, in consultation with NHTSA, shall by regulation designate an independent entity to manage access to vehicle data; and require motor vehicle manufacturers and dealers to provide notice to consumers of their rights under this Act at the point of sale or lease of the vehicle. A final rule shall be issued no later than two years after the date of enactment.

#### Section 6: Enforcement by the Federal Trade Commission

Provides an enforcement process whereby vehicle owners and other interested parties can file complaints with the FTC regarding an alleged violation of the Act. Motor vehicle manufacturers are provided with an opportunity to provide remedial action. If such action is not taken, the Act directs the FTC to investigate the claim and issue an order within five months of the claim.

#### Section 7: Definitions

Provides definitions for Section 3. Notably, it defines the scope of vehicle data implicated under the Act as data related to vehicle diagnostics, repair, service, wear, and recalibration of parts and systems. Additional authority is provided for future rulemakings that the FTC determines is necessary to address any emerging barriers to a competitive vehicle repair and maintenance industry or to expand the scope of vehicle data that can be securely accessed by owners and their designees.

#### Section 8: Report to Congress

Two years after enactment, and every two years thereafter, the FTC shall submit a report to Congress that includes a summary of investigations conducted under the Act, a summary of best practices identified by the Advisory Committee, and actions or recommendations the FTC is taking to maintain competition in the motor vehicle repair market

#### Section 9: Effects on State Law

Preempts State law only to the extent a State law imposes a duty on a motor vehicle manufacturer that is narrower than what is prescribed under the Act, or if a State law mandates the use of any particular brand or manufacturer of parts, tools, or equipment for motor vehicle repair.

#### Section 10: Severability

If any provision of this Act is held to be invalid, the remainder is not affected.