American Truck Dealers
A DIVISION OF NADA

Oppose the REPAIR Act (H.R. 1566/S. 1379)

ISSUE

The REPAIR Act (H.R. 1566) is based on the false premise that independent repairers do not have the same access to the information and tools necessary to repair vehicles as franchised dealers. H.R. 1566 is also overbroad, as it treats medium- and heavy-duty trucks the same as light-duty vehicles, despite their significant differences. Unlike light-duty vehicles, medium and heavy-duty trucks—such as school buses and cement mixers—are custom-built for specific purposes and sold to businesses and governments, not consumers. The REPAIR Act as introduced, reveals that its true purpose is not to improve vehicle repair options. Instead, the bill expands access to sensitive driver and vehicle data, enables the reverse engineering of OEM parts, and advances policies that encourage the use of used and recycled replacement parts. These provisions would primarily benefit insurers by lowering claim costs paid to customers for vehicle repairs, while raising significant concerns about privacy and safety. **Members of Congress are urged to oppose the controversial Repair Act and instead support the House Energy and Commerce Committee approved language which finds a strong balance between competing stakeholders.**

BACKGROUND

The House Energy and Commerce Committee passed a scaled-back version of the REPAIR Act (H.R. 1566) on May 21 with language that: 1) codifies the 2015 Memorandum of Understanding (MOU) between truck manufacturers and a pro-"right to repair" trade association to provide access to repair information and tools; 2) provides Federal Trade Commission (FTC) enforcement 3) orders the FTC to study the complex issues of vehicle privacy, cybersecurity, and safety, addressing stakeholder concerns that these issues need further study, and report their findings to Congress by 2030. The Committee included this language in the Motor Vehicle Modernization Act (H.R. 7389) which could be added to the surface transportation reauthorization bill.

The Committee did not approve controversial insurer-backed repair provisions included in the original REPAIR Act, though efforts may be made to reinsert these provisions on the House floor. In total, the committee-approved language makes the truck MOU legally binding and provides FTC enforcement, which was a major concern of REPAIR Act proponents.

Prior to committee markup, several modified versions of H.R. 1566 were circulated to find a consensus among stakeholders. While ATD worked in good faith, the final modified draft still included major flaws ATD could not support, as it 1) promoted insurance company priorities without improving repair choice; and 2) posed serious privacy and safety risks by requiring third party access to vehicle telematic systems that are directly connected to critical safety functions, such as braking systems.

KEY POINTS

- **Proponents of the REPAIR Act have failed to demonstrate that additional federal intervention for vehicle repair is needed**. There has been no public evidence that independent truck repair facilities are being denied vehicle repair tools/information.
- **The Committee-passed bill provides a strong balance between stakeholders** since it provides enforceability for the truck MOU and adds FTC enforcement to ensure compliance and resolve any potential disputes.
- **REPAIR Act proponents have failed to demonstrate that including broader vehicle telematics and wireless data access can be achieved in a secure and safe manner.** Opening third party access to telematic systems increases cybersecurity threats and road safety concerns, particularly with commercial trucks, and needs further scrutiny and study.

STATUS

H.R. 7389, which passed the House Energy and Commerce Committee by a vote of 48-1, may be added as the auto safety title of the surface transportation bill, the Build America 250 Act (H.R. 8870), which could be considered by the full House after the election. The Senate "right to repair" bill (S. 1379) sponsor, Sen. Ben Ray Lujan (D-N.M.), offered and withdrew S. 1379 during a recent Senate Commerce Committee markup (see letter in opposition). **Members of Congress should retain the House committee-passed REPAIR Act language and not cosponsor H.R. 1566/S. 1379.**

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