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February 19, 2026

The Honorable Gus Bilirakis
Chairman
Subcommittee on Commerce, Manufacturing, and Trade
U.S. House of Representatives
Washington, DC 20515

The Honorable Jan Schakowsky
Ranking Member
Subcommittee on Commerce, Manufacturing, and Trade
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Bilirakis and Ranking Member Schakowsky,

Below please find my responses to the Additional Questions for the Record from the Subcommittee on Commerce, Manufacturing, and Trade hearing on Tuesday, January 13, 2026, entitled, "Examining Legislative Options to Strengthen Motor Vehicle Safety, Ensure Consumer Choice and Affordability, and Cement U.S. Automotive Leadership."

Additional Questions for the Record the Honorable Russ Fulcher (R-ID)

Question:

1. Mr. Hanvey, The REPAIR Act requires access to various data. What kinds of controls does it include for repair shops to use the data as intended? I want to understand any liability issues that could get raised to any of the parties and if this opens more federal rules to address that liability? Could you clarify your testimony when you said that "nothing in the legislation deals with personal data or any other data that is not relevant to the repair, maintenance, or diagnosis of the vehicle … ." I ask because H.R. 1566 provides that "direct, real-time in-vehicle data" can be sold "to any other person" with the consent of the vehicle owner. (Sec. 2(a)(7)(C)(ii) & Sec. 6(23)(A)) Why is direct, real time vehicle data (such as location) needed to repair, maintain or diagnose the vehicle?

Answer:

It is important to note that the REPAIR Act does not require access to any data other than diagnostic and repair data.[1] In addition, Sec.6(23)(B)(ii) of the REPAIR Act explicitly excludes "any personally identifiable information."

Further, the REPAIR Act does not increase or decrease existing practices by which the independent aftermarket utilizes this specific subset of data and therefore does not impact liability issues in any way. With respect to your concern about selling the data to any other person, the bill specifies that the vehicle owner controls the repair and maintenance data for their vehicle. The vehicle owner decides to whom it gives that repair and maintenance data and for what purpose.

In 2025, the FTC took action against General Motors for sharing drivers' precise location and driving behavior data without consent (https://www.ftc.gov/news-events/news/press-releases/2025/01/ftc-takes-action-against-general-motors-sharing-drivers-precise-location-driving-behavior-data) The solution in the GM / FTC settlement was that GM had to immediately stop selling the data and then going forward obtain clear and conspicuous customer consent to use the data. This solution, agreed to by GM, is exactly what the REPAIR Act implements, but on a significantly narrower set of data (repair and diagnostic only). Vehicle owners decide through affirmative consent where and how their repair and maintenance data gets used.

Question:

2. Mr. Hanvey, with so many terms and conditions granting consent in the fine print of a repair contract, could such consent for third party access consist of the owner merely checking a box on a form? "Consent", or how it is obtained, is not defined in the bill. The bill also allows third parties to sell vehicle data. Can you explain why obtaining the legal right to sell customer data is necessary to fix a car?

Answer:

Sec. 2(a)(7)(C)(ii) of the REPAIR Act prohibits anyone who accesses repair and maintenance data from using, selling, licensing, or transferring it except as "requested or consented to by the motor vehicle owner for the purpose of diagnostics, repair, service, wear, and calibration or recalibration of parts and systems of the motor vehicle." I share your concern that "consent" is not merely one of a dozen or more boxes that get checked in any contract, vehicle purchase included, and if the bill does not have an adequate definition to ensure "consent" is granted in full transparency by a fully informed customer, I would welcome a definition that does so. Additionally, an underpinning of the Act is that it's your car and therefore your data. With respect to your concern about selling the data, the bill specifies that the vehicle owner controls the repair and maintenance data for their vehicle. The vehicle owner decides to whom it gives that repair and maintenance data and for what purpose.

[1] The bill is narrowly tailored to give vehicle owners access to and control over "vehicle-generated data" which is defined as data for "diagnostics, repair, service, wear, and calibration or recalibration of parts and systems required to return such vehicle to operational specifications in compliance with Federal motor vehicle safety and emissions laws, regulations, and standards." Sec. 6(23)(A)

Question:

3. Mr. Hanvey, the bill gives aftermarket parts manufacturers the ability to collect vehicle data "for purposes…related to the manufacture or service of such…parts" and this data cannot be deleted even if requested by the vehicle owner. (Sec. 2(a)(7)(D)(i) & Sec. 2(a)(7)(B)). Could you explain the rationale for an aftermarket parts maker needing the ability to collect data from a car and then having the right not to delete this data, ever?

Answer:

I appreciate this question as it perfectly demonstrates how the aftermarket collectively operates to provide safe and affordable consumer choice in automotive repair. Sec. 2(a)(7)(D)(i) allows the entire ecosystem, including automakers themselves, to keep vehicle-generated data "in a de-identified form" only for "purposes of research and development related to the manufacture or service of … motor vehicles, parts, or tools." Information on vehicle faults is essential to building better and safer vehicles and parts. Privacy laws, including the California Consumer Privacy Act (CCPA), do not generally require businesses to delete data that has been legally de-identified or aggregated.

Parts manufacturers need access to this data to fulfill their role in the complex aftermarket ecosystem to ensure a safe, timely, economic repair. This data enables parts manufacturers to create and innovate on automaker design flaws and create options for vehicle owners. Thirty-five percent of vehicles on the road today are older than 15 years. Because OEMs typically stop producing parts after 10 years, the aftermarket is critical to ensure that consumers can obtain affordable quality parts to safely operate their vehicles.

A practical example of how parts manufacturers use this data is when GM was producing its 3.8L engine, the plastic on the OEM intake manifold was incompatible with the antifreeze which led to decomposition of the manifold and antifreeze would flood the engine making the vehicle inoperable. An aftermarket parts manufacturer introduced an improved OEM version of the intake manifold which inserted a metal sleeve into the port through which the antifreeze flowed eliminating the problem and saving the American consumer millions of dollars in repair costs.

Additionally, Sec. 2(a)(7)(B) obligates any entity to whom repair data has been given to delete it within 72 hours after a vehicle owner requests such deletion (except that a service provide can maintain data for maintenance records and accounting just as privacy laws permit today).

Question:

4. Mr. Hanvey, Section 2 of H.R. 1566 requires that "no manufacturer may impair the ability of an aftermarket parts manufacturer," among others "to produce or offer compatible aftermarket parts." (Sec. 2(a)(D)). I am concerned that this bill expands opportunities for Chinese auto parts counterfeiters to legally obtain information from a U.S. automaker. How does the bill protect against helping counterfeit parts enter the U.S. auto market?

Answer:

The REPAIR Act will not expand the ability of Chinese counterfeiters. Existing laws prohibit foreign entities – including Chinese companies – from importing, distributing, or selling counterfeit auto parts in the United States. This prohibition is enforced through intellectual property rights (IPR) protections, trade laws, and criminal statutes aimed at protecting consumer safety and brand integrity, none of which are impacted in any way by the REPAIR Act.

For example, under the Lanham Act (15 U.S.C. § 1051 et seq.), the primary federal trademark law used to combat counterfeiting, an item is counterfeit if it uses a spurious mark "identical with, or substantially indistinguishable from, a registered mark". Counterfeiting can result in civil and criminal liability. Violators can face millions of dollars in fines and prison terms, especially if the counterfeit parts cause serious bodily injury. The U.S. Customers and Border Protection can seize counterfeit goods illegally being placed in the supply chain.

If the counterfeit goods illegally enter the U.S., failures to meet U.S. safety standards can result in liability under Consumer Product Safety Commission regulations and Federal Motor Vehicle Safety Standards. Also, there is a long U.S. history of products liability tort claims in which companies can be held responsible for defective products sold to consumers.

Suspected counterfeit parts can be reported through various publicly available hotlines.

Furthermore, the REPAIR Act contains strong intellectual property language that guarantees automakers the same federal intellectual property protections they have today. Sec. 2(a)(6) specifies that the REPAIR Act does not "limit…any law or right related to intellectual property"; does not "require a motor vehicle manufacturer to divulge any trade secret" that is not otherwise made available by the manufacturer; or "preclude a motor vehicle manufacturer from employing cryptographic or technological protections" to secure their vehicles.

Question:

5. Mr. Hanvey, Section 2(a)(1)(D) of H.R. 1566 prohibits a motor vehicle manufacturer from employing any "technological barrier" that impairs the ability of an aftermarket parts manufacturer, motor vehicle equipment manufacturer, aftermarket parts remanufacturer, or motor vehicle repair facility to produce or offer compatible aftermarket parts. The Act defines a "technological barrier" broadly as any technological restriction that prohibits, makes more difficult, or tends to make more difficult the exercise of rights under the Act. While Section 2(a)(6) includes general rules of construction stating that nothing in the Act may be construed to limit or expand any law or right relating to intellectual property, the bill does not explicitly preserve patent or copyright enforcement, nor does it clarify that intellectual property protections themselves are not "technological barriers."

a. Could this be interpreted to allow aftermarket parts manufacturers, motor vehicle equipment manufacturers, aftermarket parts remanufacturers, or motor vehicle repair facilities to use a motor vehicle manufacturer's intellectual property without authorization? The bill does include limited rules of construction related to trade secrets and cybersecurity, but I am not sure it clearly preserves existing

patent and copyright protections. Can you please clarify for me?

Answer:

Section 2(a)(6) is intentionally drafted to cover all intellectual property laws and rights rather than listing sub-categories of intellectual property rights. Subsection (6)(A) states "any" intellectual property right, which includes patent and copyright protections.

The REPAIR Act does clarify that intellectual property protections themselves are not "technological barriers" by stating that "[n]othing in the Act" may be construed to limit IP rights, regardless of what came before in the bill. Thus, manufacturers cannot use technological barriers to block access to repair and maintenance data but can use them if protecting legitimate intellectual property rights in accordance with existing IP laws.

These REPAIR Act provisions have parallels in other federal legal regimes enacted to protect transportation and public safety and fair competition for maintenance and repair. Congress has used its authority to secure the right to repair in these other contexts, and there is no evidence that these prior legislative actions have prejudiced OEM intellectual property rights. It should continue to achieve these important policy objectives here through the REPAIR Act. There is nothing new or improper about Congress requiring OEMs to provide materials necessary to repair to independent repair services and replacement parts manufacturers.

The requirement to make all necessary repair instructions, manuals, and data available to vehicle owners and to competing independent repair shops has clear precedent in the law. For decades, Federal Aviation Administration regulation 14 CFR § 21.50(b) has required that the "design approval holder" (usually the OEM) of every aircraft and of all aircraft parts must furnish to each aircraft owner and to make available to independent competitors for maintenance and repair a complete set of all manuals and repair instructions covering every part of the aircraft. Similarly, regulations promulgated in 2003 by the Environmental Protection Agency under the Clean Air Act require that automobile manufacturers provide maintenance and diagnostic information to aftermarket repair shops at "fair and reasonable" prices subject to review by the EPA. 40 C.F.R. § 89.1808-1(f). In these cases, as here, the purpose of these disclosures is to promote public safety and fair competition. These are the same purposes served by the REPAIR Act.

Question:

6. Mr. Harvey, could the Act be interpreted to treat software-based access controls, authentication requirements, encryption, and licensing mechanisms as prohibited technological barriers? Could, for example, enforcement is characterized as impairing aftermarket competition and create uncertainty regarding whether OEMs may lawfully require licenses for patented or copyrighted components, including embedded software? These concerns align with issues raised by NHTSA in its 2023 Technical Assistance on the REPAIR Act, which warned that broad "any barrier" prohibitions could be interpreted to include essential authentication and cybersecurity protections, potentially conflicting with federal motor vehicle safety obligations.

Answer:

Based on NHTSA's comments on the legislation from the 118th Congress, additional language was included in HR 1566 to ensure this concern is explicitly addressed. Section (2)(a)(6)(C) states that nothing in the bill "preclude[s] a motor vehicle manufacturer from employing cryptographic or technological protections necessary to secure vehicle-generated data, safety critical vehicle systems, and motor vehicles."

Under the Rules of Construction, independent servicers and replacement parts manufacturers would continue to compete as they historically have done within the limits of IP law. The law is well established that the right to repair does not supersede lawful patent rights. Aftermarket parts manufacturers have always been free to make non-patented parts. Where patents do cover vehicle parts, aftermarket parts manufacturers can innovate around the patent claims so as not to infringe or can seek a license from the patent owner. These options are thoroughly consistent with the basic constitutional goal of the U.S. patent system — to promote progress and stimulate innovation in alternative technologies. Nothing in the REPAIR Act changes the IP law status quo, and the Rules of Construction section preserves it. As such, if technological barriers such as software-based access controls, authentication requirements, and encryption are employed to protect legitimate intellectual property for the aftermarket and manufacturers' authorized repair facilities in accordance with applicable intellectual property laws, those are permitted. If such barriers are employed to block, impair, or interfere with access to diagnostic and repair data, those are impermissible technological barriers.

Question:

7. Mr. Hanvey, My understanding is that over the last two decades independent repair shops have consistently performed at least 70% of post-warranty repairs. And today independent repair shops perform almost 75% of post-warranty repairs. From 2014 to 2022 total revenue for the independent repair market grew 43% when you take out goods and services beyond parts and repair, and locations grew 4%, according to GAO's March 21, 2024 report (GAO-24-106633). (Please Note: 2014 is when the independent repair community and automakers signed the "right to repair" MOU.) In 2023, the industry "exceeded expectations" growing aftermarket sales by 8.6%. Over this same timeframe, dealer revenue went up 45% when you count just parts and repair. Location growth was roughly flat at 2% over this same timeframe. Can you reconcile this consistent and sustained growth in the independent repair market with the Auto Care Association's claim that "4.9 million jobs are at risk" without this legislation?

Answer:

For the first half of my forty years working in the aftermarket industry, access to vehicle repair and maintenance data was not a problem. However, ten years ago we started seeing these restrictions in limited instances, and every year since then, these restrictions grow. The independent aftermarket does not see most vehicles until they are out of warranty. Thus, the period you referenced doesn't even include most model year 2022 and forward vehicles. Even with the older vehicles, a 2024 survey of independent repair shops concluded that more than half of these shops send 1 to 5 vehicles each month back to the dealerships due to repair data restrictions, costing consumers upwards of $3 billion in added repair expenses. Another recent survey showed that repair issues are creating an additional $235/year each year in repair costs for vehicle owners.

The issues come in many forms. For example, a new model vehicle requires the technician to put the car into dealer "service mode" to complete a simple windshield wiper change. Another new vehicle model requires an Electric Control Module reset (with a dealer code) to change the battery. In yet another vehicle, a repair took more than three months due to the inability of the independent shop to reprogram a tailgate motor after they had installed it, requiring a trip to the dealer to complete the repair. These are just some of the many examples of manufacturers blocking access to repair and maintenance data, and we can expect the issues to get worse as recent models start to come out of warranty. BMW, for example, just filed a patent for a unique screw design that a technician can only remove with a dealer tool.

As an expert in this field, I can assure you that this problem will get exponentially worse each year unless Congress guarantees automotive right to repair. The alternative is that manufacturers will corner the market through vertical integration and create an economic oligopoly, thereby increasing costs for consumers and putting local independent repair shops out of business.

Question:

8. Given these numbers, the MOU from 2014, and the fact that GAO reported seven of the eight automakers sell their data to third parties that then sell their data to independent auto repair shops – with automakers sell subscriptions ranging from one day to one year – can you explain the legislative need here that would justify federal government action? Are there particular barriers connected to different state laws? But then the revenue trends still show growth?

Answer:

The 2014 MOU is a voluntary, non-binding, unenforceable framework that does not address current vehicle technologies and does not guarantee the vehicle owner the right to repair, which is why the Auto Care Association did not enter into the 2023 revised MOU. We know we need a federal action to guarantee the rights that vehicle owners need and demand. The current inability of independent shops and vehicle owners to access repair and maintenance data, as referenced through multiple independent surveys, demonstrates the immediate need for federal legislation to ensure the ability of vehicle owners to choose where and how to maintain their vehicles.

The GAO report referenced in your question relies on statements from eight automakers (all of whom oppose right to repair) interviewed by the GAO as evidence that repair data is available. The GAO report also stated that: "[h]owever, nine of the 14 independent repair stakeholders described limitations related to being able to access specific vehicle data, in some cases for specific automakers." GAO Report, at 6. The GAO went on to report that "one complaint filed with NHTSA alleged that a vehicle owner took their vehicle to an independent repair shop that could not do the work because the shop lacked the access to program the vehicle. In addition, there were multiple Task Force complaints from independent repair shops regarding an inability to diagnose vehicles." GAO Report, at 6.

The Honorable Neal Dunn

1. Mr. Hanvey, my colleague from Idaho, asked a question at the hearing about a fear he had about the car manufacturers disseminating his vehicle data to insurance companies who then can either raise his rates or potentially refuse certain options based on his past

driving performance. I think this is a critically important issue as to why the owner of the vehicle needs to be in control of his or her own vehicle data. Can you expand upon your initial answer on this question? Are you aware of instances where vehicle data was given to or sold to third parties who then used that very data in a manner that was detrimental to the vehicle owner?

We know the manufacturers are transmitting terabytes of wireless data each year to third parties that are paying for vehicle owners' personal data. It's big business and a significant source of revenue for the manufacturers. There are countless examples of how this practice can harm vehicle owners. In 2025, the FTC took action against General Motors for sharing drivers' precise location and driving behavior data without consent. The settlement with GM directed the company to immediately stop selling the data. Going forward, they must obtain clear and conspicuous customer consent to use the data. That same year, Honda was fined more than $600k for violating the California Consumer Privacy Act. As you are aware, Representative Harshbarger has introduced legislation to attempt to curb the practice of the indiscriminate sale of personal data, but it is worth noting that the REPAIR Act only applies to repair and maintenance data, not personal data.

2. Mr. Hanvey, my colleague from New Jersey, entered a letter from a constituent of his into the record expressing a concern that the REPAIR Act might ultimately prevent his customers from getting the parts they want. While I have heard from thousands of repair shops about their support for the REPAIR Act, and I would like to enter into the record this letter from more than 200 New Jersey repair shops asking their delegation to support the REPAIR Act, can you explain whether or not the REPAIR Act would diminish vehicle owner choices on repair parts?

As the author of the legislation, you know first-hand that the purpose of the Act is to preserve, not prevent, consumer choice in automotive repair. There is nothing in this Act that changes the process by which a consumer can choose which parts to use for a given repair. In fact, the Act ensures that the vehicle manufacturers cannot eliminate these options by using restrictions on what parts can be used in repair. While I have not seen the letter to which Representative Kean refers to, I am confident that the tens of thousands of independent repair shop owners, technicians and customers who have contacted their Member of Congress asking for support for the REPAIR Act understand that the REPAIR Act is a commonsense solution for protecting American jobs and consumer choice in vehicle repairs.

The Honorable Debbie Dingell

Question:

1. Mr. Hanvey, does the REPAIR Act include any requirement or accountability for independent repair shops to actually use that data for proper repairs?

Answer:

Yes, the REPAIR Act includes explicit language on this matter. Section 2(a)(7)(C)(i) states that a person who accesses or stores vehicle generated data, "may not use such data for any purpose unrelated to the diagnostics, repair, service, wear, and calibration or recalibration of parts and systems of the motor vehicle as such services are requested by the motor vehicle owner."

Question:

2. Mr. Hanvey, are there any prohibitions against those who are given access to this information under the bill copying, bundling, or selling the consumer's data once they have it?

Answer:

Yes, there are restrictions in the legislation addressing your concern. As mentioned in my answer to your first question, any action taken by a person accessing data under the REPAIR Act must be for diagnostics, repair, service, wear, and calibration or recalibration of parts and systems of the motor vehicle. Furthermore, Section 2(A)(7)(C)(ii) states that a person accessing or storing data under the Act, "may not sell, license, or transfer such data to any other person, except as requested or consented to by the motor vehicle owner for the purpose of diagnostics, repair, service, wear, and calibration or re- calibration of parts and systems of the motor vehicle."

Question:

3. Mr. Hanvey, does the REPAIR Act do anything to protect against insurance companies dictating how consumers or their chosen independent repair shops fix vehicles?

Answer:

The REPAIR Act is not an insurance bill and has no impact on how or why a consumer would choose a specific automotive insurance policy that fits their needs. With dozens if not hundreds of policy options to choose from, the insurance market is flooded with competition to provide the consumer with as many options as possible. Some owners may want lower premiums and higher deductibles while others may choose a policy that ensures they can have original parts covered for repair. If anything, the bill gives vehicle owners greater freedom of choice by ensuring that vehicle manufacturers may not restrict these options in a deceptive manner at point of sale or render the vehicle owners' choice useless through technological restrictions. The REPAIR Act is narrowly focused on ensuring that the repair facility chosen by a vehicle owner has access to the limited data needed to complete that repair.

The bill does not prohibit or persuade a vehicle owner to choose an aftermarket part over an OEM part. The bill does not permit counterfeit parts. The bill does not pressure the consumer to disregard repair steps. The REPAIR Act guarantees that vehicle owners have a choice and that competition will continue to keep innovation high and prices lower.

Question:

4. Mr. Hanvey, are you aware of any procedures today that require telematics data to perform a repair? If telematics data was available to all repair businesses — dealer and independent — solely for the purpose of repair procedures, would your members be satisfied with that access?

Answer:

Modern connected vehicles rely on telematics for advanced diagnostics, remote troubleshooting, and fault identification. Remote diagnostics enables shops to pre-diagnose issues, order parts in advance, and schedule services without a physical visit—capabilities dealers already use via manufacturer telematics systems. Without access to that telematic data, the independent repair facility chosen by the vehicle owner could be denied that opportunity, which in turn could result in a more expensive repair cost. The REPAIR Act provides that the independent repair community has access to repair and maintenance data transmitted over the telematics system in the same way as automakers give it to themselves or their franchise dealers.

Question:

5. Mr. Hanvey, do you support consumer choice in the parts used to repair their vehicle? Do you think it's appropriate that a third party — such as an insurance company — should influence or even dictate what parts a consumer chooses to repair their vehicle? What about instances when a consumer requests or prefers an OEM part?

Answer:

I fully support consumer choice in all aspects of automotive repair. Competition fosters innovation and lowers cost for consumers, and the aftermarket plays a vital role in ensuring that economic ecosystem. I also believe that consumers make informed decisions as to what insurance policy makes the most sense for them and their families. There is significant competition in the insurance industry resulting in dozens or even hundreds of policy options for consumers. It is also worth noting that consumers can change their policy or choose not to use their insurance if their specific policy doesn't cover the repair choice they want to make.

Question:

6. Mr. Hanvey, does your position suggest that the independent businesses performing the majority of work today are unable to perform the repairs properly?

Answer:

No, it does not, and frankly this line of questioning insults the millions of people who work in the independent aftermarket industry. Our repair technicians are as qualified as any franchised dealer technician and would not undertake a repair unless it was able to be completed safely and correctly. Moreover, many independent shops, especially in rural areas, work on multiple vehicle makes and models and therefore have a broad level of technical skills. Independent survey results confirm that vehicle owners trust their

independent mechanics and value the competitive alternative to the dealerships. https://www.consumerreports.org/cars/car-repair-shops/car-repair-shop-survey-chainsdealers-independents-a1071080370/

That is why instead of undertaking a repair that has restrictions on accessing the data needed to safely complete the repair, our shops send the vehicle to the dealership, which eliminates the vehicle owners' choice in repair. In fact, more than half of shops report sending 1 to 5 vehicles away from their shops because of restricted data access. That results in a collective $3 billion in added repair costs for the consumers who are denied their choice of repair shop because of the overt action of greedy manufacturers.

Question:

7. Mr. Hanvey, in cases where the vehicle produces data, and the data is not needed for a repair, do you think that data still needs to be accessed by repair facilities or other parties peripheral to the repair?

Answer:

I do not and the REPAIR is clear on this point. The definition of "vehicle generated data" in the Act encompasses only data needed to repair a vehicle back to operational specifications.

Question:

8. Mr. Hanvey, do your members support utilizing repair information, service manuals, procedures that are provided by OEMs today?

Answer:

Yes, when available and applicable, our members utilize repair information and procedures provided by the automakers, but requiring them to do so is unnecessary.

Question:

9. Mr. Hanvey, do your members support insurance companies refusing to cover OEM repair procedures or guidelines, even when the repair professional determines that is best way to effectuate a repair?

Answer:

I do not represent the insurance industry, and the REPAIR Act does not expand or contract options in the insurance industry. Repairs in the aftermarket are completed through consultation between the technician and the vehicle owner, and the owner makes the best decision he or she can based on that consultation and any factors they consider.

Question:

10. Mr. Hanvey, if one of the independent shops you claim to represent has an issue with access to information from a particular manufacturer, what resources are available to that shop to raise their concern? Can they go directly to the OEM? Do they?

Answer:

While we have consistently looked for ways to support our shops through open dialogue with OEMs in an effort to resolve problems stemming from the OEMs restrictions on accessing repair and maintenance data, there is no formal, enforceable, or binding manner in which a shop can seek relief from these restrictions. That is why we have spent considerable time and effort on this federal effort, to once and for all ensure that OEMs cannot engage in anticompetitive fashion without real, direct, and enforceable penalties.

Question:

11. Mr. Hanvey, are there other third-party organizations they can leverage to access service information or inquire about missing service information? How frequently do they avail themselves of those resources if there is an issue?

Answer:

No, there is not a credible organization that is able to effectively render enforceable decisions in matters of dispute between an independent shop and a vehicle manufacturer, which again is why we are here seeking the force of law through the REPAIR Act.

Question:

12. Mr. Hanvey, are any aftermarket parts similarly tested?

Answer:

Aftermarket parts manufacturers are already subject to all Motor Vehicle Safety Act, Clean Air Act, and state emissions regulations. In general, aftermarket parts manufacturers conduct in-house product testing to ensure all products meet applicable standards, including quality, safety, and emissions. When appropriate or required, a manufacturer may seek third-party testing of its products. Where certifications are required for selling equipment (parts) to an automaker for service repairs, required certifications are included in the part approval documentation.

Aftermarket parts generally do not reach the market until 5-7 years after a new vehicle release. Thus, automaker recalls typically take place before aftermarket parts are brought to market. During aftermarket product development, recalls are often considered when developing design specifications, and aftermarket part manufacturers utilize the latest (improved) design revision where available. Even though the aftermarket parts are of like kind and quality, the parts are often not identical, whether due to supply chain, design changes to eliminate the recall issue, or part improvement, and in many cases the aftermarket parts are better. In many cases aftermarket parts are better than OEM parts because they remedy defects or errors in the original part.

In accordance with applicable regulations and standards, an aftermarket parts manufacturer will file recall campaigns with NHTSA for compliance to FMVSS standards or safety concerns in accordance with Title 49 CFR Part 573 – Defect and Noncompliance Responsibility and Reports. An example of such campaigns can be found at:

www.dormanproducts.com/pages/products/warranty/index.aspx#recalls.

In the event of a NHTSA recall, there are standard processes which include obtaining contact information for all purchases of equipment within scope from direct and indirect customers and procedures for written communication supplemented by phone calls and emails. For recall campaigns, it is customary for the parts manufacturer to reimburse labor and/or material costs for part replacement and/or inspections where required. in the rare times where it has been necessary to issue a recall, the aftermarket follows all NHTSA requirements, including notification requirements and removal of the recalled parts from the stream of commerce.

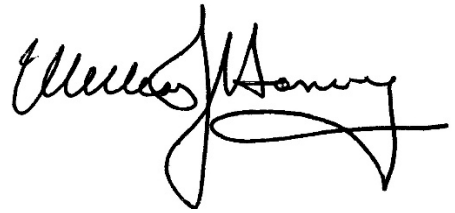
Question:

13. Mr. Hanvey, if we have groups like yours representing that you are unable to access the necessary information to fix modern vehicles, and other independent repair groups are communicating to us that they have the information needed to properly repair vehicles, would that suggest that the information is available and this is potentially more of an industry education issue, than an issue of accessibility?

Answer:

No, it would not, because you should be listening to the voices of the repair shops themselves, which have told this Committee, through letters, testimony, and evidence, that 84% of them consider data restrictions the biggest threat to their businesses. Sixty-three percent of shops report experiencing data restrictions daily or weekly. Fifty-one percent of shops report sending 1 to 5 vehicles away each month because of data restrictions. In addition, SCRS represents collision shops financially benefit from using OEM parts and thus would want a mandate to use OEM parts. But, in case that is not convincing enough, policymakers should consider that vehicle owners overwhelmingly support right to repair, both at the ballot box and in national polling. In Massachusetts, 75% of voters cast votes in support of right to repair. In Maine, that number was 85%. In a June 2025 poll, 83% of vehicle owners supported the REPAIR Act. These figures are why my Association has spent such a considerable amount of time and effort promoting the REPAIR Act. We heard from our members and acted accordingly. I hope the Committee will do the same.

Sincerely,



William Hanvey
President & CEO
Auto Care Association