

STATEMENT OF

**MR. SCOTT BENAVIDEZ
CHAIRMAN OF THE BOARD OF DIRECTORS
AUTOMOTIVE SERVICE ASSOCIATION
NORTH RICHLAND HILLS, TEXAS**

**BEFORE THE
SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY, AND THE
INTERNET
U.S. HOUSE COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C.**

JULY 18, 2023

Good morning, Chairman Issa, Ranking Member Johnson, and Members of the Subcommittee. Thank you for providing me the opportunity to testify before you today. My name is Scott Benavidez. I am the Chairman of the Automotive Service Association's Board of Directors. I am also the second-generation owner of Mr. B's Paint & Auto Body Shop Inc. in Albuquerque, New Mexico. I am here today on behalf of the Automotive Service Association.

ASA is the largest and oldest national organization committed to protecting the automotive repair industry. Our members, who hail from all fifty states, own and operate automotive mechanical and collision repair facilities. Independent automotive repair shops are responsible for the majority of all, post warranty, repair services in the United States. ASA advocates for the interests of its members and their customers.

ASA has been a steadfast advocate for right-to-repair principles – the right of car owners and independent repair shops to access vehicle service information needed to diagnose and repair vehicles – for decades. We take this unequivocal stance because our members are on the front lines of the vehicle data access issue and have been very clear: we want to have access to the data necessary to repair our customers' vehicles. ASA worked with the U.S. House Energy and Commerce Committee and Senate Commerce, Science, and Transportation Committee to place language in the 1990 Clean Air Act Amendments that assured independent shops the same emissions service information that was provided, by the automobile manufacturers, to franchised car dealers. Then, in 1995, the U.S. Environmental Protection Agency (EPA) standardized, for all vehicles sold in the United States, an OBD port, which provides access to vehicles' emissions control diagnostic systems. In 2002, ASA signed an agreement with automakers stipulating that independent automotive repair shops would have access to the

same emissions and non-emissions service information provided to the manufacturers' franchised dealerships. Since 2002, the vehicles Americans rely on have become increasingly sophisticated, and we know that the rate of innovation will only accelerate. (attachment A)The way vehicle issues are diagnosed and repaired evolves in tandem with technological advancement.

The modern vehicle is essentially a computer on wheels, and just like a typical computer, an enormous amount of information is passed wirelessly to and from the vehicle. We call that wireless communication "telematics" in the automotive world. In many instances, our shops wouldn't be able to diagnose and fix the problems their customers ask them to solve if they didn't have access to telematics. This situation might not only harm repairers, but also drivers. Car owners deserve a competitive market from which they can select a repairer who will fix their vehicle at the best price.

Although today automotive repairers have access to vehicle data necessary for repairs, our industry has been concerned about the path forward for obtaining data in the vehicles moving into the marketplace. Newer vehicle technologies with an increasing number of sensors will present challenges to our shops without access to repair data. That's why, last week, ASA proudly announced it had reached a landmark agreement with automakers that ensures independent repair shops can diagnose and repair their customers' vehicles without hinderance from telematics nor any other innovation. Most importantly, it encourages a competitive repair market that yields the fairest prices for drivers and the highest quality safety outcomes. (attachment B)

With regard to the SMART Act, ASA supports a competitive parts marketplace. ASA has a long history of working with insurance companies in ensuring our customers the best possible repair experience following an accident. ASA is supportive of insurer direct repair programs (DRPs) that are open and fair to both vehicle owners and collision repairers. Many of our leaders serve on DRP advisory boards of state and national insurance companies. Although we work closely with insurers as part of DRPs, we are mindful that our customers' vehicles are our first priority and that these vehicles must be safe and satisfactory to the customer when they leave our repair shops. We do have concerns when some insurers insist on repairs that are simply "cheaper and quicker" without regard for quality and safety.

I cannot overstate the importance of vehicle safety to the collision repair industry. Repairers understand better than anyone the threat posed by replacement parts of lesser quality. Automotive service business owners, their employees, their families, and their friends drive on and walk alongside the same roads as everyone else. The threat to their safety posed by defective vehicles on the road is also the exact same threat faced by everyone else. ASA believes we can and should have a competitive marketplace that doesn't compromise quality or safety. Deciding to only cover the cheapest option without understanding implications for quality leaves collision shops and their customers in a tough position.

The automobile is the second most expensive purchase made by most Americans. Although the automobile is a major part of most Americans' daily lives, few vehicle owners have much knowledge about automotive repair. This is particularly true relative to collision repair. After an accident, other than contacting law enforcement or other emergency personnel, the vehicle owner contacts their insurance company. Depending on state laws, consumers are

advised about repair facilities by insurers, or they may have some familiarity with repair shops. They might even search the internet for a repairer. It's at this point that vehicle owners lose control. Very few consumers have any knowledge about the types of crash parts used to repair their vehicles as there are numerous crash parts choices in the marketplace, such as Original Equipment Manufacturer (OEM) parts, certified aftermarket crash parts, reconditioned crash parts, and recycled crash parts. Repairers can make recommendations, but their customers are unlikely to adhere if insurance won't cover it. Quality standards are essential for crash parts.

One of the top concerns we hear from our members and others at collision industry events is that collision repair facilities should adhere to OEM repair procedures. This doesn't mean that OEM parts must be used in all cases, but OEM repair procedures should always be followed. OEMs develop, test, and verify repair procedures to restore the safety and functionality of the repaired vehicle. Adhering to the manufacturers' guidelines allows independent repair shops to assure car owners that their cars were repaired to the highest possible standard and protects them from unjust liability. Assuring more imported and other crash parts in the marketplace with limited quality standards gives insurance companies even more power to mandate that cheaper parts that may or may not meet quality expectations be installed, while leaving car owners and repairers to suffer the consequences of that dictate.

We also fear that the absence of quality standards in the SMART Act would negatively impact the quality of replacement crash parts. Section 2, subsection 2 would allow aftermarket manufacturers to make or offer to sell within or import into the United States "any article of manufacture that is similar or the same in appearance" to a part produced by an OEM if used "to restore the motor vehicle to the appearance of the motor vehicle as originally

manufactured...”, after the OEM part has been on the market for thirty months, without infringing upon the OEM’s design patent. In other words, car owners, repairers, and insurance companies could be misled into believing that parts that *look* the same *are* the same, when, in fact, they differ significantly in terms of quality and safety. Once again, car owners and repairers stand to suffer the most direct injuries and repercussions.

Thank you again, Chairman Issa, for convening this important hearing and allowing me to share the perspective of ASA and independent repair shops. I look forward to answering your questions today.

ATTACHMENT - A



September 20, 2002

The Honorable Byron Dorgan
Chairman
Subcommittee on Consumer Affairs, Foreign Commerce and Tourism
U.S. Senate Commerce, Science, and Transportation Committee
Washington, D.C. 20510

Dear Chairman Dorgan:

As the Subcommittee requested, our associations have discussed the issues reviewed at the Subcommittee's July 30, 2002 hearing on Customer Choice in Automotive Repair Shops (S. 2617). We believe the following commitments by automakers will provide independent repairers the necessary service information and diagnostic tools to compete and serve consumers in the marketplace.

The members of the Alliance of Automobile Manufacturers and the Association of International Automobile Manufacturers listed below fully support the following:

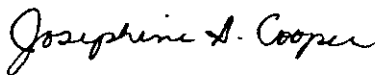
Automobile manufacturers hereby commit to make available, by August 31, 2003, emission and non-emission-related service information, training information, and diagnostic tools in the same manner and to the same extent as specified by California Air Resources Board (CARB) regulations for emission-related systems and components. This means that 1) the same service and training information related to vehicle repair will be made available to independent repair shops either via the Internet, or in the same manner and extent as it is made available to franchised dealerships and 2) the same diagnostic tools related to vehicle repair that are made available to the franchised dealers will be made available to the independent repair shops. These will be made available at a reasonable price consistent with the guidelines provided in CARB regulations. The service and training information and manufacturer tools will be available to independent repair shops without the need for them to return to a franchised dealership (to the extent allowed by law).

This commitment will continue the viability of the automotive service industry and preclude the need for current legislation while we work on implementation. Moreover, successful implementation will eliminate the need for future state and federal legislation.

Manufacturers recognize the value of third-party providers of tools, service and training information and are committed to making available to information providers and tool companies the service and training information, tools and tool information. The National Automotive Service Task Force will continue to provide a forum for industry and aftermarket to resolve service information issues. We ask that the Subcommittee and its staff periodically review the progress being made toward the objectives above.

We believe this continues a long tradition of the independent repairer's important position in the automotive industry. It also demonstrates our mutual commitment to fair and open competition in the auto service industry and to consumer choice in seeking these services. Please feel free to call on our organizations if you have any questions.

Sincerely,



Josephine S. Cooper
President & CEO
Alliance of Automobile
Manufacturers, Inc.



Timothy C. MacCarthy
President & CEO
Association of International
Automobile Manufacturers, Inc.



Dan Frohlich
Chairman
Automotive Service Association

Automobile Makes:

Acura
Aston-Martin
Audi
BMW
Buick
Cadillac
Chevrolet
Chrysler
Dodge
Ford
GMC
Honda

Hyundai
Infiniti
Isuzu
Jaguar
Jeep
Kia
Land Rover
Lexus
Lincoln
Mazda
Mercedes-Benz
Mercury

Mitsubishi
Nissan
Oldsmobile
Pontiac
Saab
Saturn
Subaru
Suzuki
Toyota
Volvo
Volkswagen

HONDA

American Honda Motor Co., Inc.
1919 Torrance Boulevard
Torrance, CA 90501-2746
Phone (310) 783-2000

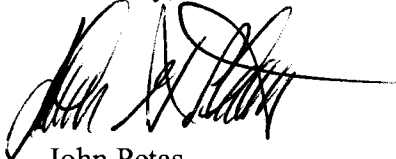
16 September 2002

To whom it may concern:

American Honda Motor Inc., Co. is committed to providing the tools and information that *both* independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Sincerely,



John Petas
Sr. Vice President
Parts & Service Operations

VOLKSWAGEN



3800 Hamlin Road
Auburn Hills, MI 48320
Tel. (248) 340-5000

September 20, 2002

Ms. Josephine S. Cooper
President & CEO
Alliance of Automobile Manufacturers
1401 H Street NW, Suite 900
Washington, D.C. 20005

Dear Ms. Cooper:

Volkswagen and Audi are committed to providing the tools and information that both independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Sincerely,

A handwritten signature in blue ink that reads 'Kip Kriigel'.

Kip Kriigel
Process Leader
Technical Service

BMW Group

September 20, 2002

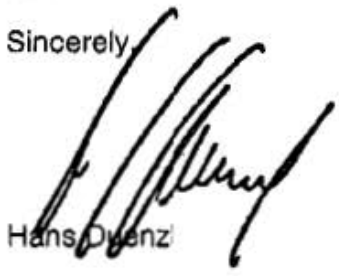
Ms. Josephine S. Cooper
President & CEO
Alliance of Automobile Manufacturers
1401 H Street, NW, Suite 900
Washington, DC 20005

Dear Ms. Cooper:

BMW Group is committed to providing the tools and information that *both* independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Sincerely,



Hans Drenzi
Vice President, Aftersales and Engineering

Company
BMW of North America, LLC

BMW Group Company

Mailing address
PO Box 1227
Westwood, NJ
07675-1227

Office address
300 Chestnut Ridge Road
Woodcliff Lake, NJ
07677-7731

Telephone
(201) 307-4000

Fax
(201) 207-4095

Internet
bmwusa.com





**GM Service and Parts
Operations**

General Motors Corporation
30501 Van Dyke Avenue
MC: 480-204-001
Warren, MI 48090

September 23, 2002

Josephine Cooper, President
Alliance of Automobile Manufacturers
1401 H Street, N. W., Suite 900
Washington, DC 20005

Dear Ms. Cooper:

General Motors Corporation is committed to providing the tools and information that *both* independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002 joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Sincerely,

Peter Lord
Executive Director, Service Operations

RB/mce



DAIMLERCHRYSLER

DaimlerChrysler Corporation

September 17, 2002

Ms. Josephine S. Cooper
President & CEO
Alliance of Automobile Manufacturers
1401 H Street, NW, Suite 900
Washington, DC 20005

Dear Ms. Cooper,

The Chrysler Group is committed to providing the tools and information that *both* independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Sincerely,



Reginald R. Modlin
Director
Environmental & Energy Planning

Ford Motor Company

Frank M. Ligon
Director, Vehicle Service & Programs
Ford Customer Service Division
fligon@ford.com
Phone: 313-323-8467

Ford Motor Company
1700 Fairlane Drive
Allen Park, Michigan 48101

September 17, 2002

To whom it may concern:

Ford Motor Company is committed to providing the tools and information that both independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers - the motoring public.

Sincerely,



Frank M. Ligon

 **HYUNDAI AMERICA TECHNICAL CENTER, INC.**

A Subsidiary of
Hyundai Motor Company (Korea)

5075 Venture Drive
Ann Arbor, MI 48108

Tel: (313) 747-6600
Fax: (313) 747-6699

September 24, 2002

To whom it may concern:

Hyundai Motor America, Inc. is committed to providing the tools and information that *both* independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Sincerely,



Alfred Gloddeck

Senior Manager – Corporate Affairs



NISSAN NORTH AMERICA, INC.

Government Affairs Office
196 Van Buren Street Suite 450
Herndon, VA 20170-5337
Main Phone: (703) 456-2550
FAX: (703) 456-2551

September 20, 2002

To whom it may concern:

Nissan North America, Inc. is committed to providing the tools and information that *both* independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers -- the motoring public.

Sincerely,

A handwritten signature in cursive script that reads "Harland Reid".

Harland Reid
Senior Director
Government Affairs
Nissan North America, Inc.

ISUZU

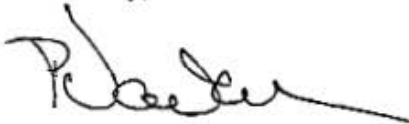
September 20, 2002

To whom it may concern:

American Isuzu Motors Inc. is committed to providing the tools and information that *both* independent repair shops and authorized dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Sincerely,



Pete Vavan
Executive Manager
Service Group Operations
American Isuzu Motors Inc.

American Isuzu Motors Inc.
13340 183rd Street
Cerritos, California 90702-6007
future by recycling today

562 229-5000
562 926-3082 Fax

We're looking to the



BY APPOINTMENT TO
HER MAJESTY QUEEN ELIZABETH II
MANUFACTURERS OF DAIMLER AND JAGUAR CARS
JAGUAR CARS LIMITED COVENTRY



BY APPOINTMENT TO
HER MAJESTY QUEEN ELIZABETH
THE QUEEN MOTHER
MANUFACTURERS OF DAIMLER AND JAGUAR CARS
JAGUAR CARS LIMITED COVENTRY



BY APPOINTMENT TO
HIS ROYAL HIGHNESS THE PRINCE OF WALES
MANUFACTURERS OF DAIMLER AND JAGUAR CARS
JAGUAR CARS LIMITED COVENTRY



Jaguar Cars Limited, Browns Lane, Allesley, Coventry CV5 9DR, England
Telephone (024) 7640 2121 www.jaguar.com

Mrs J S Cooper
President and CEO
Alliance of Automobile Manufacturers
1401 H Street NW
Suite 900
Washington D.C.
20005
United States of America

20 September 2002

Dear Mrs Cooper

Jaguar Cars is committed to providing the tools and information that *both* independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Yours sincerely

Bob Townsend
Manager Technical Service and Communications

DIRECT TELEPHONE

FAX

EMAIL



Kia Motors America, Inc.

9801 Muirlands Blvd.

P.O. Box 52410

Irvine, CA 92619-2410

(949) 470-7000

September 20, 2002

To whom it may concern:

Kia Motors America is committed to providing the tools and information that *both* independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Sincerely,

A handwritten signature in black ink that reads "DK Pearce".

Donald K. Pearce
Vice President, Service



LAND ROVER

Mrs J S Cooper
President and CEO
Alliance of Automobile Manufacturers
1401 H Street NW
Suite 900
Washington D.C.
20005
United States of America

20 September 2002

Dear Mrs Cooper

Land Rover is committed to providing the tools and information that *both* independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Yours sincerely

Bob Townsend
Manager Technical Service and Communications

Land Rover

Browns Lane, Allesley
Coventry CV5 9DR

Telephone 02476 402121
Facsimile 02476 202883

Registered Office: Banbury Road, Lighthome, Warwick CV35 0RG
Registered in England and Wales: Number 4019301

TOYOTA

Toyota Motor Sales, U.S.A., Inc.
16901 South Western Avenue
Irvine, CA 92614-2722
Tel: 949-380-0000
Tel: 949-780-0000

September 23, 2002

Ms. Josephine S. Cooper
President & CEO
Alliance of Automobile Manufacturers
1401 H Street NW, Suite 900
Washington, D.C. 20005

Dear Ms. Cooper,

Toyota Motor Sales, U.S.A., Inc., fully supports the proposed joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Sincerely,

TOYOTA MOTOR SALES, U.S.A., INC.



Robert C. Daly
Group Vice President
Toyota Customer Services

Mazda North American Operations

Jay Amestoy
Vice President
Public and Government Affairs



September 18, 2002

Mr. Steven P. Douglas
Director, Environmental Affairs
Alliance of Automobile Manufactureres
428 J Street, Suite 400
Sacramento, CA 95814-2394

Dear Mr. Douglas:

Mazda North American Operations is committed to providing the tools and information that *both* independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay Amestoy', with a large, sweeping flourish extending to the right.



Mercedes-Benz

Mercedes-Benz USA, LLC
Environmental & Safety Engineering Dept.

23 September 2002

Ms. Josephine S. Cooper
President & CEO
Alliance of Automobile Manufacturers
1401 H Street NW, Suite 900
Washington, D.C. 20005

Ms. Cooper,

Mercedes-Benz USA, LLC is committed to providing the tools and information that both independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers - the motoring public.

Sincerely,

Michael F. Kunz
Department Manager
Technical Information
Mercedes-Benz USA

Michael Schweizer
Department Manager
Environmental & Safety Engineering
Mercedes-Benz USA





MITSUBISHI MOTORS CORPORATION

CABLE ADDRESS:
BISHUJIKO OKAZAKI

1, NAKASHINKIRI, HASHIME-CHO, OKAZAKI
AICHI PREF., JAPAN

TELEPHONE: 0564-32-5281
TELEFAX: 0564-33-1214
TELEX: 4537551 MMCOKZJ

September 20, 2002

Ms. Josephine S. Cooper
President & CEO
Alliance of Automobile Manufacturers
1401 H Street NW, Suite 900
Washington, D.C. 20005:

Mitsubishi Motors Corporation is committed to providing the tools and information that *both* independent repair shops and authorized dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Sincerely Yours,

K. Watashige, General Manager
International After-Sales Dept.
Mitsubishi Motors Corporation



SAAB CARS USA, INC.

September 24, 2002

To whom it may concern:

Saab Cars USA, Inc. is committed to providing the tools and information that *both* independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Sincerely,

Daniel L. David

Vice President, Parts & Service

FROM :

FAX NO. :

Sep. 20 2002 01:07PM P2



Subaru of America, Inc.
Subaru Plaza
PO Box 6000
Cherry Hill, NJ 08034-6000
856-488-8500
www.subaru.com

September 17, 2002

Ms. Josephine S. Cooper
President & CEO
Alliance of Automobile Manufacturers
1401 H Street NW, Suite 900
Washington, D.C. 20005

Dear Ms. Cooper:

Subaru of America, Inc. is committed to providing the tools and information that both independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Sincerely,

James C. Sinclair
Vice President / Service

JCS/rai

cc: file



AMERICAN SUZUKI MOTOR CORPORATION
AUTOMOTIVE

To whom it may concern:

American Suzuki Motor Corporation is committed to providing the tools and information that *both* independent repair shops and franchised dealers need to swiftly and accurately repair vehicles. To this end, we fully support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislation serves our interest, those of the independent repair industry, and most importantly, our mutual customers – the motoring public.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. W. Semer', is written over the word 'Sincerely,'.

Douglas W. Semer
Automotive Service Director



September 24, 2002

To whom it may concern:

The intent of this correspondence is to state that Volvo is committed to providing the necessary tools and service information, which will facilitate the independent repair shops and our franchised retailers to perform vehicle repairs. Therefore, we support the September 20, 2002, joint letter to Senator Byron Dorgan from the Automotive Service Association (ASA), Alliance of Automobile Manufacturers, and the Association of International Automobile Manufacturers (AIAM).

We believe that this commitment to cooperation instead of legislative initiatives will better serve our interest and the interests of all whom require the information and material.

Sincerely,

Volvo Cars of North America, LLC
Aftersales Business Unit, Technical & Regulatory

Dan Doku

Daniel E. Doku
Manager, OBDII certification & Compliance
Regulations & Compliance Department

ATTACHMENT - B



July 11, 2023

The Honorable Maria Cantwell
Chairwoman
U.S. Senate Committee on Commerce,
Science, and Transportation
Washington, D.C. 20510

The Honorable Ted Cruz
Ranking Member
U.S. Senate Committee on Commerce,
Science, and Transportation
Washington, D.C. 20510

The Honorable Cathy McMorris Rodgers
Chairwoman
U.S. House Committee on Energy and
Commerce
Washington, D.C. 20515

The Honorable Frank Pallone
Ranking Member
U.S. House Committee on Energy and
Commerce
Washington, D.C. 20515

The Honorable Jim Jordan
Chairman
U.S. House Committee on the Judiciary
Washington, D.C. 20515

The Honorable Jerrold Nadler
Ranking Member
U.S. House Committee on Judiciary
Washington, D.C. 20515

The Honorable Dick Durbin
Chairman
U.S. Senate Committee on the Judiciary
Washington, D.C. 20510

The Honorable Lindsey Graham
Ranking Member
U.S. Senate Committee on the Judiciary
Washington, D.C. 20510

Dear Chairwoman Cantwell, Ranking Member Cruz, Chairwoman McMorris Rodgers, Ranking Member Pallone, Chairman Jordan, Ranking Member Nadler, Chairman Durbin, and Ranking Member Graham:

We write today with an important announcement on a national automotive right-to-repair commitment between representatives of the independent repair community and automobile manufacturers.

The attached commitment – entered into by the [Automotive Service Association](#), the [Society of Collision Repair Specialists](#), and [Alliance for Automotive Innovation](#) – is noteworthy for it represents thousands of auto repair professionals and small businesses in all 50 states as well as the manufacturers producing most vehicles sold in the U.S.

The Federal Trade Commission, the government's top consumer protection and competition agency, has rightfully placed a focus on the repair options available to consumers for all the products they purchase – far beyond just automobiles. They have previously highlighted the automotive repair marketplace as a model for other industries to follow, noting it is “working well.” We agree! Today, 70 percent of post-warranty vehicle repairs today happen outside the dealer network, while automakers' own certified collision networks are comprised of shops that are more than 70 percent non-dealer owned. In other words, competition is alive and well in the auto repair industry.

Our commitment ensures that this competition remains and guarantees consumers a range of service options for their vehicles well into the future, including independent repairers, national service chains, authorized dealers, or undertaking the repair themselves, if technically inclined. It also guarantees the country's small and independent auto repairers continued unrestricted access to the various tools, information, and data needed to repair vehicles.

This commitment was created with our mutual and valued customers in mind: vehicle owners. It affirms that consumers deserve access to safe and proper repairs throughout a vehicle's lifecycle. Finally, it is built to last because it anticipates changes in automotive technologies and market evolutions.

It should reassure you that independent repairers and automakers are not at odds on automotive data access, but rather in lockstep on this fundamental principle: consumers should have choice when it comes to repair options and the ability to have their vehicle serviced in well-equipped shops by well-trained technicians anytime, anywhere, anyplace.

We have attached a copy of our full commitment to this letter, but highlight a few points below:

- **Access to diagnostic and repair information:** We reaffirm the 2014 Memorandum of Understanding and commit that independent repair facilities shall have access to *the same* diagnostic and repair information that auto manufacturers make available to authorized dealer networks. This applies to all vehicle technologies regardless of powertrain, including gasoline, diesel, fuel cell, electric battery, hybrid, and plug-in hybrid electric powertrains. This also applies to telematic data needed to diagnose and repair a vehicle if not otherwise available.
- **Education and training:** We pledge to work together on education and training programs so mechanical and collision repair facilities are aware of their right to this information and know exactly where to find it, whether directly through an automaker's repair website, a shared access point like www.OEM1Stop.com or via third-party information providers, software, and tools.
- **Future Advancements:** Automotive technology continues to advance, with nearly every vehicle now equipped with advanced safety features and increasingly efficient propulsion systems. Repairers meet this challenge every day through investments in training and equipment. As vehicle technologies and obligations on repairers evolve, this

commitment provides an avenue to ensure a level playing field and a forum to discuss future repairer needs as they arise.

Collectively, we recognize the importance of providing a wide range of repair options to meet the needs of our shared customers throughout the lifecycle of a vehicle. This renewed commitment should give policymakers full confidence that repairers and manufacturers are committed to cooperation and allied on this shared goal.

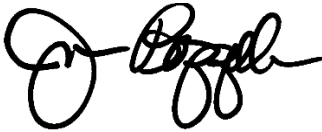
Sincerely,



Julie Massaro
President
Automotive Service Association



Aaron Schulenburg
Executive Director
Society of Collision Repair Specialists



John Bozzella
President and CEO
Alliance for Automotive Innovation

Cc: The Honorable Ann Carlson, Acting Administrator, National Highway Traffic Safety Administration
The Honorable Lina Khan, Chair, Federal Trade Commission
The Honorable Earl L. "Buddy" Carter (R-GA), Vehicle Data Access Caucus
The Honorable Darren Soto (D-FL), Vehicle Data Access Caucus

Enclosure: Appendix 1 – Commitment on Automotive Repair Information Sharing

Appendix 1



Automotive Repair Data Sharing Commitment

This commitment was created with one group of people in mind: vehicle owners. It recognizes and reaffirms the belief that consumers should have access to safe and proper repairs throughout a vehicle's lifecycle.

The parties commit to ensure consumer choice in vehicle repair decisions and support the independent repair community as provided below and as outlined in the existing 2014 Memorandum of Understanding:

Access to diagnostic and repair information – There shall be available for purchase by owners of motor vehicles and by independent repair facilities on fair and reasonable terms the same diagnostic and repair information, including service manuals and technical repair updates, that a manufacturer makes available to its authorized dealers through the manufacturer's internet-based diagnostic and repair information system or other electronically accessible repair information system.

Access to vehicle systems – There shall be available access to vehicle diagnostic systems through (i) a non-proprietary vehicle interface device that complies with the Society of Automotive Engineers standard J2534, commonly referred to as SAE J2534, the International Organization for Standardization standard 22900, commonly referred to as ISO 22900 or any successor to SAE J2534 or ISO 22900 as may be accepted or published by the Society of Automotive Engineers or the International Organization for Standardization; (ii) an onboard diagnostic and repair data system integrated and entirely self-contained within the vehicle, including, but not limited to, diagnostic or service information systems integrated into an onboard display; or (iii) a system that provides direct access to onboard diagnostic and repair data through a non-proprietary vehicle interface, such as ethernet, universal serial bus or digital versatile disc; provided that each manufacturer provides access to the same onboard diagnostic and repair data and functions available to their dealers, including technical updates to such onboard systems, through such non-proprietary interfaces as referenced in this paragraph.

Alternate Fueled Vehicles – Just as is the case for traditional internal combustion vehicles, access to vehicle diagnostic data and to vehicle systems for diagnostic and repair purposes shall be available for purchase by vehicle owners and by independent repair facilities on fair and reasonable terms for alternately fueled vehicles. This commitment applies to all vehicle technologies regardless of powertrain, including gasoline, diesel, fuel cell, electric battery, hybrid, and plug-in hybrid electric powertrains.

Telematics – Telematics systems shall not be used to circumvent the commitments made in this commitment to provide independent repair facilities with access to vehicle diagnostic data. To the extent that specific telematic diagnostic and repair data is needed to complete a repair, and also provided to an automaker’s authorized dealers, the automaker shall make such information available to vehicle owners and independent repair facilities, if it is not otherwise available through a tool or third-party service information provider. This does not apply to any telematics data beyond what is necessary to diagnose and repair a vehicle.

Access to tools – There shall be made available for purchase by owners of motor vehicles and by independent repair facilities diagnostic repair tools incorporating the same functional capabilities that a manufacturer makes available to its authorized dealers.

Fair and Reasonable Terms – There shall be access to diagnostic and repair information and tools on fair and reasonable terms, consistent with U.S. Environmental Protection Agency, California Air Resources Board, and Massachusetts statutory requirements.

Support of Third-Party Tool Manufacturers–Diagnostic and repair information shall be made available to each third-party tool manufacturer and each third-party service information provider with whom a manufacturer has appropriate licensing, contractual, or confidentiality commitment for the sole purpose of building diagnostic tools and third-party service information publications and systems.

Trade secret protections – Nothing in this commitment shall be construed to require a manufacturer to divulge a trade secret.

Education – The parties shall develop a plan to educate both mechanical and collision repair facilities on the avenues by which they can access repair information, including directly through manufacturer repair websites, on www.oem1stop.com, or by accessing third-party tool and data service providers, among others.

Training – The parties shall review existing training options for both mechanical and collision repair facilities and work to ensure repairers have access to the latest training opportunities.

Working Together to Address Any Identified Gaps

As a complement to the existing process for resolving disputes involving the availability of diagnostic and repair information from specific manufacturers established in the 2014 MOU, the parties commit to establish a Vehicle Data Access Panel (VDAP) to identify issues a party may have with respect to the availability of diagnostic data and repair information as pledged in this commitment and collaborate on potential solutions where feasible. The VDAP shall be comprised of representatives from Automotive Service Association, Society of Collision Repair Specialists and Alliance for Automotive Innovation, and shall meet, at a minimum, biannually.

Periodic Review to Ensure Continued Relevancy

In recognition of this industry's dynamic marketplace, the parties commit to review this commitment annually and update, if appropriate. To that end, the parties shall establish a Data Access Working Group to consider any technological advancements that may alter the vehicle repair marketplace. The size and membership of this Working Group shall be established by the parties and can be altered at any time with the commitment of the signing parties.

Cooperation and Advocacy

Federal legislation – The parties commit to working together in support of federal legislation to codify the various provisions of this commitment, ensuring consumer choice in vehicle repair across the country. The parties also commit to working together against any legislation that is in direct conflict with the tenets of this document.

Federal regulations – The parties commit to working together in support of a petition to the Environmental Protection Agency to ensure reparability of electric vehicles by requiring standardized data communication protocols from OBDII-type connectors on all battery electric, plug-in hybrid, hybrid, and fuel cell vehicles model year 2026 and beyond in alignment with California's Advanced Clean Cars II regulation.

State legislation – The parties commit to working together against any legislation that is in conflict with the tenets of this commitment. Engagement on state legislation not in conflict with the tenets of this commitment shall be evaluated on its merits and subject to the commitment of the parties.

Signing Parties

Automotive Service Association (ASA)

ASA is the largest and oldest national organization committed to protecting the automotive repair industry with ONE VOICE. Our members own and operate automotive mechanical and collision repair facilities responsible for the majority of all, post warranty, repair services in the United States. ASA advocates for the interests of its members and their customers in Washington, D.C. The education, resources, and services ASA provides empowers its members in all 50 states to remain trusted stewards of mobility in their communities. www.ASAShop.org

Society of Collision Repair Specialists (SCRS)

Through our direct members and affiliate associations, SCRS proudly represents over 6,000 collision repair businesses and 58,500 specialized professionals who work to repair collision-damaged vehicles. Since 1982, SCRS has served as the largest national trade association solely dedicated to the hardworking collision repair facilities across North America. Since its formation, SCRS has provided repairers with an audible voice, and an extensive grassroots network of industry professionals who strive to better our trade. Additional information about SCRS including other news releases is available at the SCRS website. www.scrs.com

Alliance for Automotive Innovation

From the manufacturers producing most vehicles sold in the U.S. to autonomous vehicle innovators to equipment suppliers, battery producers and semiconductor makers – Alliance for Automotive Innovation represents the full auto industry, a sector supporting 10 million American jobs and five percent of the economy. Active in Washington, D.C. and all 50 states, the association is committed to a cleaner, safer and smarter personal transportation future.

www.autosinnovate.org

Effective Date

This Commitment is effective immediately upon signed letter transmittal to Chairwoman Cantwell, Ranking Member Cruz, Chairwoman McMorris Rodgers, Ranking Member Pallone, Chairman Jordan, Ranking Member Nadler, Chairman Durbin, and Ranking Member Graham.