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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To ensure consumers have access to data relating to their motor vehicles, critical repair information, and tools, and to provide them choices for the maintenance, service, and repair of their motor vehicles, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. RUSH introduced the following bill; which was referred to the Committee
on _____

A BILL

To ensure consumers have access to data relating to their motor vehicles, critical repair information, and tools, and to provide them choices for the maintenance, service, and repair of their motor vehicles, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SEC. 1. SHORT TITLE.**

4 This Act may be cited as the “Right to Equitable and
5 Professional Auto Industry Repair Act” or the “REPAIR
6 Act.”

1 **SEC. 2. FINDINGS.**

2 Congress find that—

3 (1) as technology advances and vehicle systems
4 become more advanced, vehicle repair and mainte-
5 nance will require access to extensive vehicle data,
6 software, sophisticated replacement components,
7 training, diagnostic tools and enhanced diagnostic
8 repair services;

9 (2) consumers and their designees must have
10 access to vehicle-generated data and aftermarket
11 parts that are necessary to maintain consumer
12 choice and competitive pricing;

13 (3) consumer choice, consumer control, motor
14 vehicle cybersecurity, and safety are all valid con-
15 cerns and do not have to be mutually exclusive;

16 (4) vehicles generate increasingly massive
17 amounts of data and the Federal Trade Commission
18 and the National Highway Traffic Safety Adminis-
19 tration are uniquely positioned, after considering
20 consumers' privacy and cybersecurity needs, to des-
21 ignate additional types of data not specifically con-
22 sidered or identified by Congress that consumers
23 should be able to easily share with persons they
24 choose for the reasons they choose and examine fair
25 competition in evolving motor vehicle technologies;
26 and

1 (5) it is in the interest of the United States to
2 foster competition in the motor vehicle repair indus-
3 try and not limit consumers in their choices for
4 maintenance, service, and repair, allowing consumers
5 and the industry to benefit from a system that fos-
6 ters communication, collaboration, and innovation
7 and promotes consumer choice.

8 **SEC. 3. MAINTAINING COMPETITION AFTER CONSUMERS**
9 **PURCHASE OR LEASE THEIR MOTOR VEHI-**
10 **CLES.**

11 (a) IN GENERAL.—

12 (1) PROHIBITION ON MOTOR VEHICLE MANU-
13 FACTURERS WITHHOLDING OF DATA, CRITICAL RE-
14 PAIR INFORMATION, AND TOOLS.—A motor vehicle
15 manufacturer shall not employ any technological
16 barrier or specified legal barrier that impairs the
17 ability of—

18 (A) a motor vehicle owner or the motor ve-
19 hicle owner’s designee to access vehicle-gen-
20 erated data pursuant to subparagraphs (A) and
21 (B) of paragraph (2);

22 (B) a motor vehicle owner or the motor ve-
23 hicle owner’s designee, or an aftermarket parts
24 manufacturer, a motor vehicle equipment manu-
25 facturer, an aftermarket parts remanufacturer,

1 or a motor vehicle repair facility and their dis-
2 tributors and service providers to access critical
3 repair information and tools pursuant to para-
4 graph (2)(C);

5 (C) a motor vehicle owner or the motor ve-
6 hicle owner's designee to use a vehicle towing or
7 service provider of their choice;

8 (D) an aftermarket parts manufacturer, a
9 motor vehicle equipment manufacturer, an
10 aftermarket parts remanufacturer, or a motor
11 vehicle repair facility and their distributors and
12 service providers to produce or offer compatible
13 aftermarket parts; or

14 (E) a motor vehicle owner or the motor ve-
15 hicle owner's designee to diagnose, repair, and
16 maintain a motor vehicle in the same manner
17 as any motor vehicle manufacturer or motor ve-
18 hicle dealer.

19 (2) REQUIREMENT TO PROVIDE MOTOR VEHI-
20 CLE DATA TO OWNERS.—A motor vehicle manufac-
21 turer shall—

22 (A) effective on the date of enactment of
23 this Act, provide for motor vehicle owners or
24 their designees, without restrictions or limita-
25 tions (including a fee, license, or requiring use

1 of a device mandated by the motor vehicle man-
2 ufacturer to decrypt vehicle-generated data), to
3 have access to vehicle-generated data;

4 (B) beginning not later than 1 year after
5 publication of the final rule issued under sec-
6 tion 5(b), if the motor vehicle manufacturer uti-
7 lizes wireless technology or telematics systems
8 to transmit any vehicle-generated data, make
9 available vehicle-generated data described in
10 subparagraph (A) to the motor vehicle owner
11 and its designees, directly and wirelessly from
12 the vehicle through a standardized access plat-
13 form; and

14 (C) effective on the date of enactment of
15 this Act, make available to motor vehicle owners
16 and their designees, aftermarket parts manu-
17 facturers, aftermarket parts remanufacturers,
18 and motor vehicle repair facilities, and their dis-
19 tributors and service providers without restric-
20 tions or limitations, any critical repair informa-
21 tion and tools related to the motor vehicles it
22 manufactures at a fair, reasonable, and non-
23 discriminatory cost.

24 (3) PROHIBITION ON CERTAIN MANDATES BY
25 MOTOR VEHICLE MANUFACTURERS RELATED TO RE-

1 PAIRS.—Outside of recall and warranty repairs, a
2 motor vehicle manufacturer shall not, within repair
3 or maintenance service procedures, recommenda-
4 tions, service bulletins, repair manuals, position
5 statements, or other similar repair or maintenance
6 guides that are distributed to consumers or to pro-
7 fessional repairers—

8 (A) mandate or imply a mandate to use
9 any particular brand or manufacturer of parts,
10 tools, or equipment; or

11 (B) recommend the use of any particular
12 brand or manufacturer of parts, tools, or equip-
13 ment unless the motor vehicle manufacturer
14 provides a prominent notice immediately fol-
15 lowing the recommendation, in the same font as
16 the recommendation and in a font size no
17 smaller than the font size used in the rec-
18 ommendation, stating that: “Vehicle owners can
19 choose which repair parts, tools, and equipment
20 to purchase and should carefully consider their
21 options.”.

22 (4) CYBERSECURITY.—Nothing in this section
23 shall preclude a manufacturer from employing cryp-
24 tographic or technological protections necessary to

1 secure vehicle-generated data safety critical vehicle
2 systems, and vehicles.

3 (5) PROHIBITION ON CERTAIN LIMITATIONS.—

4 The entity managing access to vehicle-generated
5 data transmitted by the standardized access plat-
6 form shall not limit the number or types of persons
7 which each motor vehicle owner may designate as si-
8 multaneous designees under this subsection.

9 (6) NOTIFICATIONS.—Each motor vehicle man-
10 ufacturer shall notify motor vehicle owners either via
11 an on-vehicle screen or through a mobile device that
12 vehicle-generated data is being accessed. Notifica-
13 tions shall specify whether each such access by the
14 motor vehicle owner, a designee of the motor vehicle
15 owner, or the motor vehicle manufacturer, includes
16 the ability to send an in-vehicle command or soft-
17 ware update in order to complete a repair.

18 (7) LIMITATION.—A motor vehicle manufac-
19 turer, including any affiliates of the motor vehicle
20 manufacturer, and any persons working on behalf of
21 the motor vehicle manufacturer, shall not be consid-
22 ered or treated as, or in the same way, as the motor
23 vehicle owner or as designees of the motor vehicle
24 owner for any purpose except for including them in

1 notifications of persistent access to vehicle-generated
2 data.

3 (b) NULLIFICATION OF ATTEMPTS TO RESTRICT
4 COMPETITION AND CONSUMER RIGHTS.—Any provision
5 in a contract executed on or after the date of enactment
6 of this Act by or on behalf of a motor vehicle manufacturer
7 that purports to violate subsection (a) shall be null and
8 void to the extent that it would allow the motor vehicle
9 manufacturer to avoid its obligations under subsection (a)
10 **SEC. 4. FAIR COMPETITION AFTER VEHICLES ARE SOLD**
11 **ADVISORY COMMITTEE.**

12 (a) ESTABLISHMENT.—Not later than 90 days after
13 the date of enactment of this Act, the Commission shall
14 establish a “Fair Competition After Vehicles are Sold Ad-
15 visory Committee,” hereafter referred to as the “Advisory
16 Committee”. The Chairman of the Commission (or the
17 designee of the Chairman) shall serve as the chairman of
18 the Advisory Committee.

19 (b) MEMBERSHIP.—The Advisory Committee shall be
20 composed of the following members:

21 (1) The Director of the Bureau of Competition,
22 or his or her designee.

23 (2) The Administrator of the National Highway
24 Traffic Safety Administration, or his or her des-
25 ignee.

1 (3) Eleven individuals, appointed by the Chair-
2 man of the Commission, from each of the following:

3 (A) Independent repair facilities.

4 (B) Motor vehicle parts retailers.

5 (C) Motor vehicle parts distributors.

6 (D) Original equipment parts manufactur-
7 ers.

8 (E) Aftermarket parts manufacturers.

9 (F) Aftermarket tools manufacturers.

10 (G) Motor vehicle manufacturers.

11 (H) Vehicle dealership service centers.

12 (I) Consumer rights organizations.

13 (J) Automobile insurers.

14 (K) Trucking companies

15 (c) FUNCTION.—The Advisory Committee shall pro-
16 vide recommendations to the Commission on implementa-
17 tion of this Act and competition issues after motor vehicles
18 are sold, including those facing the vehicle repair industry
19 to include an assessment of existing and emerging barriers
20 related to vehicle repair, as well as ensuring motor vehicle
21 owners' control over their vehicle-generated data.

22 (d) DUTIES.—In carrying out its function under sub-
23 section (b), the Advisory Committee shall—

24 (1) foster industry collaboration in a clear and
25 transparent manner;

1 (2) coordinate with and include participation by
2 the private sector, including representatives of—

3 (A) independent repair facilities;

4 (B) motor vehicle parts retailers;

5 (C) motor vehicle parts distributors;

6 (D) original equipment parts manufactur-

7 ers;

8 (E) aftermarket parts manufacturers;

9 (F) aftermarket tools manufacturers;

10 (G) motor vehicle manufacturers;

11 (H) vehicle dealership service centers;

12 (I) consumer rights organizations;

13 (J) automobile insurers;

14 (K) members of the public; and

15 (L) other interested parties and

16 (3) assess existing and emerging barriers to
17 competitive vehicle repair.

18 (e) MEETINGS.—The Advisory Committee shall meet
19 at least three times per year at the call of the chairman.

20 (f) REPORT.—On at least an annual basis, the Advi-
21 sory Committee shall issue a report to the chairman on
22 efforts by the industries represented within the Advisory
23 Committee to implement this Act as well as an assessment
24 of existing and emerging barriers to vehicle repair and
25 motor vehicle owners' control over their vehicle-generated

1 data, including whether additional types of data should be
2 included in the definition of vehicle-generated data. The
3 Commission shall provide a copy of each report to the
4 Committee on Energy and Commerce of the House of
5 Representatives and the Committee on Commerce,
6 Science, and Transportation of the Senate within 30 days
7 of receipt of each report.

8 (g) **TERMINATION.**—The Advisory Committee shall
9 terminate upon an agreement of a majority of the mem-
10 bership. The Advisory Committee shall provide notice of
11 its planned termination to the Committee on Energy and
12 Commerce of the House of Representatives and the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate, not later than 30 days prior to such termination
15 and shall include a basis for the termination.

16 **SEC. 5. RULEMAKING AND OTHER DIRECTIVES.**

17 (a) **SECURITY STANDARDS FOR ACCESS TO VEHICLE-**
18 **GENERATED DATA THROUGH THE STANDARDIZED AC-**
19 **CESS PLATFORM.**—Not later than 1 year after the date
20 of enactment of this Act, the National Highway Traffic
21 Safety Administration, in consultation with the Commis-
22 sion, shall, by regulations issued under section 553 of title
23 5, United States Code, issue standards for access to data
24 through the standardized access platform and establishing
25 guidance to ensure the security of vehicle-generated data

1 and vehicles as related to the access of vehicle-generated
2 data required pursuant to this Act.

3 (b) DESIGNATION OF INDEPENDENT ENTITY TO AD-
4 MINISTER ACCESS TO DATA THROUGH THE STANDARD-
5 IZED ACCESS PLATFORM.—

6 (1) IN GENERAL.—Not later than 2 years after
7 the date of enactment of this Act, the Commission,
8 in consultation with the National Highway Traffic
9 Safety Administration, shall, by regulations issued
10 under section 553 of title 5, United States Code,
11 designate an independent entity not controlled by
12 one or more motor vehicle manufacturers to estab-
13 lish and administer access to vehicle-generated data
14 transmitted by standardized access platforms.

15 (2) COMPOSITION.—Such independent entity
16 designated under paragraph (1) shall consist of a
17 cross-section of industry stakeholders, including
18 aftermarket part manufacturers, telematics service
19 providers, and motor vehicle manufacturers.

20 (3) RESPONSIBILITIES.—The responsibilities of
21 such independent entity shall include—

22 (A) managing cybersecure access of vehi-
23 cle-generated data, including ensuring, on an
24 ongoing basis, that access to the platform is se-
25 cure based on all applicable international stand-

1 ards, including those required by the National
2 Highway Traffic Safety Administration in the
3 final regulations issued pursuant to paragraph
4 (1);

5 (B) managing legitimate data requests,
6 data standardization and harmonization; and

7 (C) dispute resolution.

8 (c) **INFORMING MOTOR VEHICLE OWNERS OF THEIR**
9 **RIGHTS UNDER THIS ACT.**—Not later than 2 years after
10 the date of enactment of this Act, the Commission, in con-
11 sultation with the National Highway Traffic Safety Ad-
12 ministration, shall issue final regulations under section
13 553 of title 5, United States Code, to require motor vehicle
14 manufacturers and motor vehicle dealers to inform motor
15 vehicle owners of their rights under this Act at the point
16 of purchase or lease of a motor vehicle.

17 **SEC. 6. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**
18 **SION.**

19 (a) **UNFAIR OR DECEPTIVE ACTS OR PRACTICES.**—
20 A violation of this Act or a regulation issued under section
21 5 shall be treated as a violation of a regulation under sec-
22 tion 18(a)(1)(B) of the Federal Trade Commission Act
23 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive
24 acts or practices. The Commission shall enforce this sec-
25 tion in the same manner, by the same means, and with

1 the same jurisdiction, powers, and duties as though all ap-
2 plicable terms and provisions of the Commission Act (15
3 U.S.C. 41 et seq.) were incorporated into and made a part
4 of this Act.

5 (b) PRIVILEGES AND IMMUNITIES.—Any person who
6 violates this Act shall be subject to the penalties and enti-
7 tled to the privileges and immunities provided in the Fed-
8 eral Trade Commission Act.

9 (c) COMPLAINT PROCESS.—

10 (1) FILING.—Any person alleging any action
11 taken or refused to be taken by any motor vehicle
12 manufacturer subject to this Act, in violation of this
13 Act may file a complaint with Commission briefly
14 stating the facts of such complaint.

15 (2) NOTIFICATION TO AND RESPONSE FROM
16 MOTOR VEHICLE MANUFACTURER.—Upon receiving
17 a complaint under this subsection, the Commission
18 shall forward the complaint to the motor vehicle
19 manufacturer named in the complaint, and request-
20 ing that such motor vehicle manufacturer answer
21 such complaint in writing within a reasonable time
22 to be specified by the Commission.

23 (3) FURTHER ACTION.—If such motor vehicle
24 manufacturer within the time specified in paragraph
25 (2) has ceased the conduct that is the subject of the

1 complaint and has otherwise made reparation for
2 any harm injury alleged to have been caused, the
3 motor vehicle manufacturer shall be relieved of li-
4 ability to the complainant only for the particular vio-
5 lation of law thus complained of. If such motor vehi-
6 cle manufacturer does not satisfy the complaint
7 within the time specified or there is any reasonable
8 ground for investigating such complaint, the Com-
9 mission shall investigate the matters complained of
10 in such manner and by such means as it shall con-
11 sider proper. No complaint may at any time be dis-
12 missed because of the absence of direct damage to
13 the complaint.

14 (4) DEADLINE FOR ORDERS BY THE COMMIS-
15 SION.—The Commission shall, with respect to any
16 investigation of complaint of a violation of this Act
17 or a regulation issued under section 5 issue an order
18 concluding such investigation within 5 months after
19 the date on which the complaint was filed. Any order
20 concluding an investigation under this paragraph
21 shall be a final order and may be appealed to the
22 federal district court for the District of Columbia.

23 **SEC. 7. DEFINITIONS.**

24 (a) DEFINITIONS.—In this Act, the following defini-
25 tion apply:

1 (1) AFTERMARKET PART.—The term
2 “aftermarket part” means any part offered for sale
3 or for installation in or on a motor vehicle after such
4 vehicle has left the vehicle manufacturer’s produc-
5 tion line. Such term does not include any original
6 equipment or part manufactured for a motor vehicle
7 manufacturer.

8 (2) BARRIER.—The term “barrier” means a re-
9 striction that prohibits, makes more difficult, or
10 tends to make more difficult, the ability of a person
11 to exercise rights under this section.

12 (3) CRITICAL REPAIR INFORMATION AND
13 TOOLS.—The term “critical repair information and
14 tools” means all necessary technical and compat-
15 ibility information, tools, equipment, schematics,
16 parts nomenclature and descriptions, parts catalogs,
17 repair procedures, training materials, software, and
18 technology, specifically including but not limited to
19 information related to diagnostics, repair, service,
20 calibration or recalibration of parts and systems to
21 return a vehicle to operational specifications

22 (4) INSURER.—The term “insurer” has the
23 meaning given that term under section 313(r) of
24 title 31, United States Code.

1 (5) MOTOR VEHICLE REPAIR FACILITY.—The
2 term “motor vehicle repair facility” means any per-
3 son or business who, in the ordinary course of its
4 business, is engaged in the business of diagnosis,
5 service, maintenance, repair, or calibration of motor
6 vehicles or motor vehicle equipment.

7 (6) MOTOR VEHICLE DEALER.—The term
8 “motor vehicle dealer” means a dealer, as defined in
9 section 30102(a) of title 49, United States Code,
10 which has an agreement with a motor vehicle manu-
11 facturer related to the diagnostics, repair, or service
12 of a motor vehicle.

13 (7) MOTOR VEHICLE MANUFACTURER.—The
14 term “motor vehicle manufacturer” means an entity
15 manufacturing a “motor vehicle” as defined in sec-
16 tion 30102(a) of title 49, United States Code.

17 (8) MOTOR VEHICLE.—The term “motor vehi-
18 cle” has the meaning given such term in section
19 30102(a) of title 49, United States Code, and of the
20 term “motor vehicle trailer” in section 390 of title
21 49, Code of Federal Regulations.

22 (9) MOTOR VEHICLE EQUIPMENT.—The term
23 “motor vehicle equipment” has the meaning given
24 such term in section 30102(a) of title 49, United
25 States Code.

1 (10) MOTOR VEHICLE OWNER.—The term
2 “motor vehicle owner” means a person with a
3 present possessive ownership right in a motor vehicle
4 or a lessee of a motor vehicle. It does not include a
5 motor vehicle manufacturer or a person operating on
6 behalf of a motor vehicle manufacturer, a motor ve-
7 hicle financing company, a motor vehicle dealer, or
8 a motor vehicle lessor.

9 (11) PERSON.—The term “person” means an
10 individual, trust, estate, partnership, association,
11 company, or corporation.

12 (12) COMMISSION.—The term “Commission”
13 means the Federal Trade Commission.

14 (13) CHAIRMAN.—The term “Chairman” means
15 the Chairman of the Federal Trade Commission.

16 (14) REMANUFACTURER.—The term “remanu-
17 facturer” means a person utilizing a standardized
18 industrial process by which previously sold, worn, or
19 non-functional products are returned to same-as-
20 new, or better, condition and performance. The proc-
21 ess is in line with specific technical specifications, in-
22 cluding engineering, quality, and testing standards.
23 The process yields fully warranted products.

24 (15) SERVICE PROVIDER.—The term “service
25 provider” means any designee of a motor vehicle

1 owner or motor vehicle repair facility employed by
2 the motor vehicle owner or motor vehicle repair facil-
3 ity to assist with the diagnosis and repair of a vehi-
4 cle including wireless and remote technologies, or
5 with any other wireless and remote services com-
6 parable to those provided by a vehicle manufacturer.

7 (16) SPECIFIED LEGAL BARRIER.—The term
8 “specified legal barrier” means—

9 (A) requesting a waiver of a motor vehicle
10 owner’s right to use a repair facility of the con-
11 sumer’s choice under this section, requiring a
12 waiver as a condition for purchasing, leasing,
13 operating, or obtaining warranty repairs, or of-
14 fering any compensation or other incentive for
15 such a waiver; or

16 (B) a barrier included within the definition
17 of “specified legal barrier” in regulations pro-
18 mulgated by the Commission pursuant to sub-
19 section (b).

20 (17) STANDARDIZED ACCESS PLATFORM.—The
21 term “standardized access platform” means a
22 cybersecure authentication and authorization system
23 developed by a motor vehicle manufacturer, for the
24 motor vehicles it manufactures, that has the ability
25 to securely access and communicate vehicle gen-

1 erated data emanating directly from a motor vehicle
2 via direct local and remote wireless data connections
3 bidirectionally and in real-time.

4 (18) TECHNOLOGICAL BARRIER.—The term
5 “technological barrier” means any technological re-
6 striction that prohibits, makes more difficult, or
7 tends to make more difficult, the ability of a person
8 to exercise rights under this section. It includes any
9 such restriction specifically prohibited by regulations
10 promulgated by the Commission pursuant to sub-
11 section (b).

12 (19) TELEMATICS SYSTEM.—The term
13 “telematics system” means any system in a motor
14 vehicle that collects information generated by the op-
15 eration of the vehicle and transmits such informa-
16 tion, utilizing wireless communications to a remote
17 receiving point where it is stored.

18 (20) VEHICLE-GENERATED DATA.—The term
19 “vehicle-generated data” means any direct, real-
20 time, in-vehicle data generated, or generated and re-
21 tained, by the operation of a motor vehicle related
22 to diagnostics, repair, service, wear, and calibration
23 or recalibration of parts and systems required to re-
24 turn a vehicle to operational specifications in compli-
25 ance with Federal motor vehicle safety and emis-

1 sions laws, regulations, and standards, as well as
2 any data related to the types of data included within
3 the definition of vehicle-generated data in regula-
4 tions promulgated by the Commission pursuant to
5 subsection (b).

6 (b) AUTHORITY TO EXPAND CERTAIN DEFINI-
7 TIONS.—

8 (1) REGULATIONS.—The Commission, in con-
9 sultation with the National Highway Traffic Safety
10 Administration, may, by regulation under section
11 553 of title 5, United States Code—

12 (A) expand the definition of specified legal
13 barrier under subsection (a)(16) to include bar-
14 riers to—

15 (i) motor vehicle repair; or

16 (ii) control by a motor vehicle owner
17 of the motor vehicle owner's vehicle-gen-
18 erated data;

19 (B) include within the definition of techno-
20 logical barrier under subsection (a)(18) specific
21 prohibited practices; or

22 (C) add additional types of data to the def-
23 inition of vehicle-generated data under sub-
24 section (a)(20), regardless of whether those
25 types of data are related to motor vehicle re-

1 pair, taking cybersecurity and privacy into con-
2 sideration, to allow consumers and their des-
3 ignees to directly access additional types of ve-
4 hicle-generated data, and for additional pur-
5 poses.

6 (2) REVIEW.—The Commission shall review its
7 authority under paragraph (1) not less frequently
8 than every 3 years after the date of enactment of
9 this Act to consider whether it is necessary to up-
10 date such definitions under such authority to ensure
11 that the standardized access platform is effective for
12 motor vehicle owners and their designees. In con-
13 ducting such reviews, the Commission shall request
14 comments from aftermarket parts manufacturers,
15 motor vehicle repair facilities, motor vehicle manu-
16 facturers, consumer rights organizations, automobile
17 insurers, and others for the Commission to collect
18 information on new, emerging barriers and other
19 issues relevant to the Commission’s determination of
20 whether to updates such definitions.

21 **SEC. 8. REPORT TO CONGRESS.**

22 Not later than 2 years after the date of enactment
23 of this Act, and every two years thereafter, the Commis-
24 sion shall submit to the Committee on Energy and Com-
25 merce of the House of Representatives and the Committee

1 on Commerce, Science, and Transportation of the Senate
2 a report that includes—

3 (1) a summary of investigations conducted and
4 orders issued under section 7, including descriptions
5 of unfair practices relating to repair and data access
6 restrictions, and a summary of best practices from
7 stakeholders;

8 (2) actions the Commission is taking adapt to
9 changes and advances in motor vehicle technology to
10 maintain competition in the motor vehicle
11 aftermarket and to ensure motor vehicle owners'
12 control over their vehicle-generated data; and

13 (3) any recommendations by the Commission
14 for legislation that would improve the ability of the
15 Commission and other relevant Federal agencies to
16 further protect consumers from unfair acts limiting
17 competition in motor vehicle repair and strengthen
18 their control over their vehicle-generated data.

19 **SEC. 9. EFFECT ON STATE LAW.**

20 (a) IN GENERAL.—Except as provided in subsection
21 (b), this Act shall preempt State law only to the extent
22 a State law imposes a duty on a manufacturer that is nar-
23 rower than the duties described in this section.

24 (b) PREEMPTION.—Notwithstanding subsection (a),
25 this Act shall preempt any State law mandating the use

1 of any particular brand or manufacturer of parts, tools,
2 or equipment for the purpose of maintaining, diagnosing,
3 or repairing a motor vehicle.

4 **SEC. 10. SEVERABILITY.**

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