



September 14, 2022

The Honorable Jared Golden
Chairman
Subcommittee on Underserved, Agricultural,
and Rural Business Development
House Committee on Small Business
2361 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Claudia Tenney
Ranking Member
Subcommittee on Underserved, Agricultural,
and Rural Business Development
House Committee on Small Business
2069 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Golden and Ranking Member Tenney,

As the singular, authoritative, and respected voice of the automotive industry, the Alliance for Automotive Innovation (“Auto Innovators”) welcomes the opportunity to provide the Subcommittee with its perspective on the importance of right-to-repair to our companies, their customers, and automotive repair in the U.S.

Focused on creating a safe, clean, and transformative path for personal mobility, Auto Innovators represents the manufacturers that produce nearly 97 percent of cars and light trucks sold in the U.S., in addition to original equipment suppliers, technology companies, and others value-chain members within the automotive ecosystem. As the nation’s largest manufacturing sector, the automotive industry is responsible for nearly 10 million U.S. jobs and represents 5.5 percent of the country’s gross domestic product.

Competition is alive and well in the automotive repair industry. Consumers have a wide range of options on where to seek service or repair; these include a dealer repair facility, a national chain repairer, an independent repair facility, or individual vehicle owners undertake the repair themselves if technologically inclined. Independent repair facilities currently perform the vast majority of diagnostic and repair work. In fact, over 70 percent of out-of-warranty repair work is performed outside of an automaker’s authorized dealer network. This is the very definition of consumer choice.

This well-established, competitive marketplace exists because automakers make all the information and tools necessary to diagnose and repair vehicles available to the independent repair community. This commitment was codified as the 2013 Massachusetts Automotive Right to Repair law, which guaranteed independent repair facilities access to the same information and tools needed to diagnose and repair vehicles that are provided to auto dealers, while respecting consumer privacy and maintaining cybersecurity. In 2014, representatives from the auto industry and the independent repair industry then came together to craft a national memorandum of understanding (MOU) memorializing automaker commitments to follow the Massachusetts law across the entire country. That MOU remains in place today and is working well. In fact, the automotive MOU has been cited by the Federal Trade Commission in their 2021 Nix the Fix report (Report) as an ideal model for other industries to follow when looking to ensure consumer repair options. Specifically, the Report states the automotive MOU

“...had the effect of creating a broad, if not complete, right to repair in the automotive industry across the United States.”¹

The existing MOU also had the foresight to recognize automotive industry is constantly evolving, and consciously futureproofed the law. For example, as vehicles become more connected, certain categories of vehicle data may be accessible via telematic data systems. The national MOU contemplated this evolution of the industry and explicitly requires that automakers make telematics information available to independent repairers and vehicle owners if that information is needed to repair a vehicle, available to an automaker’s authorized dealer network, and not otherwise available through another source. Likewise – foreseeing the industry-defining shift toward electric vehicles – the MOU does not discriminate based on powertrain. Regardless of whether a vehicle is powered by an internal combustion engine or an electric motor, automakers are committed to the obligations laid out in the national MOU.

Auto Innovators appreciates the Subcommittee’s attention to this important issue. We look forward to continued engagement with the Subcommittee to ensure that the experience and continued success of the auto industry in right-to-repair serves as a positive example in this ongoing dialogue.

Sincerely,

A handwritten signature in black ink that reads "Garrick C. Francis". The signature is written in a cursive style with a clear, legible font.

Garrick Francis
Vice President, Federal Affairs
Alliance for Automotive Innovation

¹ Federal Trade Commission, *Nixing the Fix: An FTC Report to Congress on Repair Restrictions* (May 2021), available at, https://www.ftc.gov/system/files/documents/reports/nixing-fix-ftc-report-congress-repair-restrictions/nixing_the_fix_report_final_5521_630pm-508_002.pdf, p. 45.