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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. DUNN of Florida introduced the following bill; which was referred to the Committee on _____

A BILL

To ensure consumers have access to data relating to motor vehicles of the consumers and critical repair information and tools for such motor vehicles, to provide such consumers with choices for the maintenance, service, and repair of such 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 **SECTION 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. MAINTAINING COMPETITION AND DATA PRIVACY**
2 **AFTER CONSUMERS PURCHASE MOTOR VEHI-**
3 **CLES.**

4 (a) IN GENERAL.—

5 (1) PROHIBITION ON MOTOR VEHICLE MANU-
6 FACTURERS WITHHOLDING VEHICLE-GENERATED
7 DATA, CRITICAL REPAIR INFORMATION, AND
8 TOOLS.—A motor vehicle manufacturer may not em-
9 ploy any technological barrier or specified legal bar-
10 rier that impairs the ability of—

11 (A) a motor vehicle owner (or a designee
12 of a motor vehicle owner) to access vehicle-gen-
13 erated data pursuant to paragraph (2);

14 (B) a motor vehicle owner (or a designee
15 of a motor vehicle owner), an aftermarket parts
16 manufacturer, a diagnostic tool manufacturer, a
17 manufacturer of motor vehicle equipment, an
18 aftermarket parts remanufacturer, or a motor
19 vehicle repair facility (or a distributor or service
20 provider of a motor vehicle repair facility) to ac-
21 cess critical repair information and tools;

22 (C) a motor vehicle owner (or a designee of
23 a motor vehicle owner) to use a motor vehicle
24 towing or service provider chosen by such owner
25 (or such designee);

1 (D) an aftermarket parts manufacturer, a
2 motor vehicle equipment manufacturer, an
3 aftermarket parts remanufacturer, or a motor
4 vehicle repair facility (or a distributor or service
5 provider of a motor vehicle repair facility) to
6 produce or offer compatible aftermarket parts;
7 or

8 (E) a motor vehicle owner (or a designee
9 of a motor vehicle owner) to diagnose, repair,
10 and maintain a motor vehicle in the same man-
11 ner as any motor vehicle manufacturer or motor
12 vehicle dealer.

13 (2) REQUIREMENT TO PROVIDE VEHICLE-GEN-
14 ERATED DATA TO MOTOR VEHICLE OWNERS.—A
15 motor vehicle manufacturer shall—

16 (A) provide for a motor vehicle owner (or
17 a designee of a motor vehicle owner), without
18 restriction or limitation, in or at the same man-
19 ner, time, method, cost (less discounts and re-
20 bates), data content set, and subject to the
21 same cryptographic or technological protections
22 as any motor vehicle manufacturer, motor vehi-
23 cle dealer, authorized motor vehicle service pro-
24 vider, or any other third party to whom such

1 manufacturer provides vehicle-generated data,
2 to have access to vehicle-generated data—

3 (i) through and including the interface
4 ports of the motor vehicle (including OBD
5 port and J-1939); and

6 (ii) to the extent such vehicle is
7 equipped for wireless transmission of such
8 data, over wireless technology via any
9 telematics system; and

10 (B) make available to motor vehicle owners
11 (or designees of motor vehicle owners),
12 aftermarket parts manufacturers, aftermarket
13 parts remanufacturers, diagnostic tool manufac-
14 turers, and motor vehicle repair facilities (and
15 the distributors and service providers of such
16 facilities) without restriction or limitation, in or
17 at the same manner, time, method, cost (less
18 discounts and rebates), data content set, and
19 subject to the same cryptographic or techno-
20 logical protections, as any motor vehicle manu-
21 facturer, motor vehicle dealer, authorized motor
22 vehicle service provider, or any other third
23 party to whom such manufacturer provides ve-
24 hicle-generated data, any critical repair infor-

1 mation and tools related to the motor vehicles
2 such manufacturer manufactures.

3 (3) PROHIBITION ON CERTAIN MANDATES RE-
4 LATED TO REPAIRS.—Except for recall and warranty
5 repairs, repair or maintenance service procedures,
6 recommendations, service bulletins, repair manuals,
7 position statements, or other similar repair or main-
8 tenance guides that are distributed to consumers or
9 to professional repairers, a motor vehicle manufac-
10 turer may not—

11 (A) mandate or imply a mandate to use
12 any particular brand or manufacturer of parts,
13 tools, or motor vehicle equipment; or

14 (B) recommend the use of any particular
15 brand or manufacturer of parts, tools, or motor
16 vehicle equipment without a prominent notice
17 immediately following the recommendation, in
18 the same font as the recommendation and in a
19 font size no smaller than the font size used in
20 the recommendation, stating that: “Vehicle
21 owners can choose which repair parts, tools,
22 and motor vehicle equipment to purchase and
23 should carefully consider their options.”.

24 (4) PROHIBITION ON CERTAIN LIMITATIONS.—
25 Motor vehicle manufacturers may not limit the num-

1 ber or types of persons who a motor vehicle owner
2 may designate as simultaneous designees under this
3 subsection.

4 (5) LIMITATION.—A motor vehicle manufac-
5 turer, including any affiliate of such manufacturer
6 and any person working on behalf of such manufac-
7 turer, may not be considered or treated in the same
8 way as the motor vehicle owner (or a designee of the
9 motor vehicle owner) for any purpose, except for in-
10 clusion in notifications of persistent access to vehi-
11 cle-generated data.

12 (6) RULES OF CONSTRUCTION.—Nothing in
13 this Act may be construed to—

14 (A) limit or expand any law or right relat-
15 ing to intellectual property;

16 (B) require a motor vehicle manufacturer
17 to divulge any trade secret (as defined in sec-
18 tion 1839 of title 18, United States Code) that
19 is not made available to motor vehicle owners
20 (or designees of motor vehicle owners),
21 aftermarket parts manufacturers, aftermarket
22 parts remanufacturers, diagnostic tool manufac-
23 turers, and motor vehicle repair facilities (and
24 the distributors and service providers of such
25 facilities) pursuant to paragraph (2)(B); or

1 (C) preclude a motor vehicle manufacturer
2 from employing cryptographic or technological
3 protections necessary to secure vehicle-gen-
4 erated data, safety critical vehicle systems, and
5 motor vehicles.

6 (7) REQUIREMENTS FOR PERSONS RECEIVING
7 VEHICLE-GENERATED DATA.—

8 (A) REVOCATION OF DESIGNATION.—A
9 motor vehicle owner may revoke the designation
10 of a designee of such owner in the same manner
11 that such designee is designated and without
12 any unreasonable or deceptive burden or barrier
13 on such owner.

14 (B) REQUEST TO DELETE DATA.—Except
15 as provided in subparagraph (D), a person who
16 accesses vehicle-generated data shall delete such
17 data not later than 72 hours after the relevant
18 motor vehicle owner requests (digitally or in
19 writing) the person to do so, with the exception
20 of such data that is necessary to retain for
21 motor vehicle maintenance record-keeping, ac-
22 counting, and safety purposes.

23 (C) USE OF DATA.—Except as provided in
24 subparagraph (D), a person who accesses or
25 stores vehicle-generated data—

1 (i) may not use such data for any
2 purpose unrelated to the diagnostics, re-
3 pair, service, wear, and calibration or re-
4 calibration of parts and systems of the
5 motor vehicle as such services are re-
6 quested by the motor vehicle owner; and

7 (ii) may not sell, license, or transfer
8 such data to any other person, except as
9 requested or consented to by the motor ve-
10 hicle owner for the purpose of diagnostics,
11 repair, service, wear, and calibration or re-
12 calibration of parts and systems of the
13 motor vehicle.

14 (D) RESEARCH AND DEVELOPMENT EX-
15 CEPTION.—

16 (i) RESEARCH AND DEVELOPMENT.—
17 Notwithstanding subparagraphs (B) and
18 (C), a manufacturer of motor vehicles,
19 parts, or tools may use and retain vehicle-
20 generated data in a de-identified form for
21 purposes of research and development re-
22 lated to the manufacture or service of such
23 motor vehicles, parts, or tools.

24 (ii) DATA IN A DE-IDENTIFIED FORM
25 DEFINED.—In this paragraph, the term

1 “data in a de-identified form” means infor-
2 mation that does not identify and is not
3 linked or reasonably linkable to a distinct
4 individual or motor vehicle, regardless of
5 whether the information is aggregated, and
6 with respect to which the manufacturer of
7 the motor vehicle, parts, or tools—

8 (I) takes reasonable technical
9 measures to ensure that the informa-
10 tion cannot, at any point, be used to
11 re-identify an individual or device that
12 identifies or is linked or reasonably
13 linkable to an individual;

14 (II) publicly commits in a clear
15 and conspicuous manner—

16 (aa) to process and transfer
17 the information solely in a de-
18 identified form without any rea-
19 sonable means for re-identifica-
20 tion; and

21 (bb) to not attempt to re-
22 identify the information with any
23 individual or any device that
24 identifies or is linked or reason-

1 ably linkable to an individual;
2 and

3 (III) contractually obligates any
4 person or entity who receives the in-
5 formation from such manufacturer—

6 (aa) to comply with each
7 provision of this clause with re-
8 spect to the information; and

9 (bb) to require that such ob-
10 ligation is included contractually
11 in any subsequent instance in
12 which the information may be re-
13 ceived by such person or entity.

14 (b) NULLIFICATION OF ATTEMPTS TO RESTRICT
15 COMPETITION AND CONSUMER RIGHTS.—Any provision
16 in a contract executed on or after the date of the enact-
17 ment of this Act by or on behalf of a motor vehicle manu-
18 facturer that purports to violate subsection (a) shall be
19 null and void to the extent that such provision would allow
20 the motor vehicle manufacturer to avoid the prohibitions
21 and requirements described in subsection (a).

22 **SEC. 3. FAIR COMPETITION AFTER VEHICLES ARE SOLD**
23 **ADVISORY COMMITTEE.**

24 (a) ESTABLISHMENT.—Not later than 90 days after
25 the date of the enactment of this Act, the Commission

1 shall establish an advisory committee to be known as the
2 “Fair Competition After Vehicles Are Sold Advisory Com-
3 mittee” (in this section referred to as the “Advisory Com-
4 mittee”).

5 (b) CHAIR.—The Chair of the Commission (or a des-
6 ignee of the Chair) shall serve as the head of the Advisory
7 Committee.

8 (c) MEMBERSHIP.—The Advisory Committee shall be
9 composed of the following members:

10 (1) The Director of the Bureau of Competition
11 (or a designee of the Director).

12 (2) The Administrator of the National Highway
13 Traffic Safety Administration (or a designee of the
14 Administrator).

15 (3) 11 individuals, appointed by the Chair of
16 the Commission, to be comprised of 1 individual
17 from each of the following:

18 (A) Independent motor vehicle repair facili-
19 ties.

20 (B) Motor vehicle parts retailers.

21 (C) Motor vehicle parts distributors.

22 (D) Original motor vehicle equipment parts
23 manufacturers.

24 (E) Aftermarket parts manufacturers.

25 (F) Aftermarket tools manufacturers.

- 1 (G) Motor vehicle manufacturers.
- 2 (H) Motor vehicle dealership service cen-
- 3 ters.
- 4 (I) Consumer rights organizations.
- 5 (J) Automobile insurers.
- 6 (K) Trucking companies.

7 (d) FUNCTION.—The Advisory Committee shall pro-
8 vide recommendations to the Commission on—

- 9 (1) the implementation of this Act;
- 10 (2) competition issues after motor vehicles are
- 11 sold, including such issues facing the motor vehicle
- 12 repair industry (especially existing and emerging
- 13 barriers related to motor vehicle repair); and
- 14 (3) how to ensure motor vehicle owners main-
- 15 tain control over the vehicle-generated data of the
- 16 motor vehicles of such owners.

17 (e) DUTIES.—In carrying out the function described
18 in subsection (c), the Advisory Committee shall—

- 19 (1) foster industry collaboration in a clear and
- 20 transparent manner;
- 21 (2) coordinate with and include participation by
- 22 the private sector, including representatives of—
 - 23 (A) independent motor vehicle repair facili-
 - 24 ties;
 - 25 (B) motor vehicle parts retailers;

- 1 (C) motor vehicle parts distributors;
2 (D) original motor vehicle equipment parts
3 manufacturers;
4 (E) aftermarket parts manufacturers;
5 (F) aftermarket tools manufacturers;
6 (G) motor vehicle manufacturers;
7 (H) motor vehicle dealership service cen-
8 ters;
9 (I) consumer rights organizations;
10 (J) automobile insurers;
11 (K) trucking companies;
12 (L) members of the public; and
13 (M) other interested parties; and
14 (3) assess existing and emerging barriers to
15 competitive motor vehicle repair.
16 (f) MEETINGS.—The Advisory Committee shall meet
17 not fewer than 3 times per year at the call of the head.
18 (g) REPORTS.—
19 (1) CONTENTS.—On at least an annual basis,
20 the Advisory Committee shall issue a report to the
21 Commission that includes—
22 (A) a description of efforts by the indus-
23 tries represented within the Advisory Com-
24 mittee to comply with this Act; and

1 (B) an assessment of existing and emerg-
2 ing barriers to motor vehicle repair and control
3 of motor vehicle owners over the vehicle-gen-
4 erated data of the motor vehicles of such own-
5 ers, including whether additional types of data
6 should be included in the definition of vehicle-
7 generated data.

8 (2) SUBMISSION.—Not later than 30 days after
9 the date on which the Commission receives a report
10 issued pursuant to paragraph (1), the Commission
11 shall submit a copy of the report to the Committee
12 on Energy and Commerce of the House of Rep-
13 resentatives and the Committee on Commerce,
14 Science, and Transportation of the Senate.

15 (h) TERMINATION.—

16 (1) PROCESS.—The Advisory Committee shall
17 terminate upon an agreement of a majority of the
18 membership.

19 (2) NOTICE.—Not later than 30 days prior to
20 the date on which the Advisory Committee termi-
21 nates, the Advisory Committee shall provide notice
22 of and a basis for the termination to the Committee
23 on Energy and Commerce of the House of Rep-
24 resentatives and the Committee on Commerce,
25 Science, and Transportation of the Senate.

1 **SEC. 4. RULEMAKING.**

2 Not later than 180 days after the date of the enact-
3 ment of this Act, the National Highway Traffic Safety Ad-
4 ministration, in consultation with the Commission, shall
5 promulgate, under section 553 of title 5, United States
6 Code, regulations to require motor vehicle manufacturers
7 and motor vehicle dealers to inform motor vehicle owners
8 about the rights of such owners under this Act at the point
9 of purchase of a motor vehicle.

10 **SEC. 5. ENFORCEMENT BY FEDERAL TRADE COMMISSION.**

11 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—

12 A violation of this Act or a regulation promulgated under
13 this Act shall be treated as a violation of a regulation
14 under section 18(a)(1)(B) of the Federal Trade Commis-
15 sion Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or de-
16 ceptive acts or practices.

17 (b) POWERS OF COMMISSION.—The Commission

18 shall enforce this Act and any regulation promulgated
19 under this Act in the same manner, by the same means,
20 and with the same jurisdiction, powers, and duties as
21 though all applicable terms and provisions of the Federal
22 Trade Commission Act (15 U.S.C. 41 et seq.) were incor-
23 porated into and made a part of this Act, and any person
24 who violates this Act or a regulation promulgated under
25 this Act shall be subject to the penalties and entitled to

1 the privileges and immunities provided in the Federal
2 Trade Commission Act.

3 (c) COMPLAINT PROCESS.—

4 (1) FILING BY COMPLAINANT.—Any person al-
5 leging any action taken or refused to be taken by
6 any party subject to this Act in violation of this Act
7 may file a complaint with the Commission briefly
8 stating the facts of such allegation.

9 (2) NOTIFICATION AND RESPONSE.—Upon re-
10 ceiving a complaint filed pursuant to paragraph (1),
11 the Commission shall forward the complaint to the
12 party named in the complaint and request that such
13 party answer such complaint in writing within a rea-
14 sonable time determined by the Commission.

15 (3) FURTHER ACTION.—

16 (A) RELIEF OF LIABILITY.—If the party
17 named in the complaint ceases the conduct al-
18 leged in such complaint and otherwise makes
19 reparation for any harm or injury alleged to
20 have been caused within the time determined
21 pursuant to paragraph (2), the party shall be
22 relieved of liability to the complainant only for
23 such allegation.

24 (B) ADDITIONAL INVESTIGATION.—If the
25 party named in the complaint does not satisfy

1 the complaint as described in subparagraph (A)
2 within the time determined pursuant to para-
3 graph (2) or if there is any reasonable ground
4 for continuing to investigate such complaint,
5 the Commission shall investigate the allegation
6 described in such complaint in such manner
7 and by such means as the Commission deter-
8 mines proper.

9 (C) CLARIFICATION.—A complaint may
10 not be dismissed because of the absence of di-
11 rect damage to the complainant.

12 (4) ORDERS BY COMMISSION.—

13 (A) DEADLINE.—The Commission, with
14 respect to any investigation of a complaint filed
15 pursuant to paragraph (1), shall issue an order
16 concluding such investigation not later 5
17 months after the date on which the complaint
18 was filed.

19 (B) APPELLATE PROCESS.—Any order
20 concluding an investigation pursuant to sub-
21 paragraph (A) shall be a final order and may
22 be appealed to the United States District Court
23 for the District Court of Columbia.

24 **SEC. 6. DEFINITIONS.**

25 In this Act:

1 (1) AFTERMARKET PART.—

2 (A) IN GENERAL.—The term “aftermarket
3 part” means any part offered for sale or for in-
4 stallation in or on a motor vehicle after such ve-
5 hicle has left the production line of the motor
6 vehicle manufacturer.

7 (B) EXCLUSIONS.—Such term does not in-
8 clude any original motor vehicle equipment or
9 part manufactured for a motor vehicle manu-
10 facturer.

11 (2) AGENCY.—The term “agency” has the
12 meaning given that term in section 551 of title 5,
13 United States Code.

14 (3) AUTHORIZED MOTOR VEHICLE SERVICE
15 PROVIDER.—The term “authorized motor vehicle
16 service provider” means a person who—

17 (A) has an arrangement with a motor vehi-
18 cle manufacturer under which the motor vehicle
19 manufacturer grants to the individual or busi-
20 ness a license to use a trade name, service
21 mark, or other proprietary identifier for the
22 purpose of offering the service of diagnosis,
23 maintenance, or repair of a motor vehicle under
24 the name of the motor vehicle manufacturer; or

1 (B) has another arrangement with the
2 motor vehicle manufacturer to offer such serv-
3 ices on behalf of the motor vehicle manufac-
4 turer.

5 (4) AUTOMATED DRIVING SYSTEM.—

6 (A) IN GENERAL.—The term “automated
7 driving system” means the hardware and soft-
8 ware that collectively are capable of performing
9 the entire dynamic driving task on a sustained
10 basis, regardless of whether such hardware and
11 software are limited to a specific operational de-
12 sign domain.

13 (B) INCLUSIONS.—Such term includes
14 motor vehicles designed to be operated exclu-
15 sively by a Level 4 or 5 automated driving sys-
16 tem (as defined by the SAE International
17 standard J3016, published on April 30, 2021,
18 or subsequently adopted by the Secretary) for
19 all trips.

20 (C) EXCLUSIONS.—Such term does not in-
21 clude motor vehicle components not specifically
22 and solely related to a dynamic driving task.

23 (5) BARRIER.—The term “barrier” means a re-
24 striction that prohibits, makes more difficult, or

1 tends to make more difficult the ability of a person
2 to exercise rights under this Act.

3 (6) CHAIR.—The term “Chair” means the
4 Chair of the Commission.

5 (7) COMMISSION.—The term “Commission”
6 means the Federal Trade Commission.

7 (8) CRITICAL REPAIR INFORMATION AND
8 TOOLS.—The term “critical repair information and
9 tools” means all of the technical and compatibility
10 information, tools, equipment, wiring diagrams,
11 parts nomenclature and descriptions, parts catalogs,
12 repair procedures, training materials, software, and
13 technology, including information related to
14 diagnostics, repair, service, and calibration or re-
15 calibration of parts and systems, necessary to return
16 a motor vehicle to operational specifications.

17 (9) DYNAMIC DRIVING TASK.—

18 (A) IN GENERAL.—The term “dynamic
19 driving task” means all of the real-time oper-
20 ational and tactical functions required to oper-
21 ate a motor vehicle in on-road traffic.

22 (B) EXCLUSIONS.—Such term does not in-
23 clude strategic functions, such as the scheduling
24 of trips and the selection of destinations and
25 waypoints.

1 (10) INSURER.—The term “insurer” has the
2 meaning given that term in section 313(r) of title
3 31, United States Code.

4 (11) MOTOR VEHICLE.—

5 (A) IN GENERAL.—The term “motor vehi-
6 cle” has the meaning—

7 (i) given that term in section
8 30102(a) of title 49, United States Code;
9 and

10 (ii) given the term “trailer” in section
11 390 of title 49, Code of Federal Regula-
12 tions.

13 (B) EXCLUSION.—Such term does not in-
14 clude a vehicle equipped with an automated
15 driving system.

16 (12) MOTOR VEHICLE DEALER.—The term
17 “motor vehicle dealer” means a dealer (as defined in
18 section 30102(a) of title 49, United States Code)
19 who has an agreement with a motor vehicle manu-
20 facturer related to the diagnostics, repair, or service
21 of a motor vehicle.

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

1 (14) MOTOR VEHICLE MANUFACTURER.—The
2 term “motor vehicle manufacturer” means an entity
3 that manufactures a motor vehicle (as defined in
4 section 30102(a) of title 49, United States Code).

5 (15) MOTOR VEHICLE OWNER.—

6 (A) IN GENERAL.—The term “motor vehi-
7 cle owner” means a person with a present pos-
8 sessive ownership right in a motor vehicle.

9 (B) EXCLUSIONS.—Such term does not in-
10 clude—

11 (i) a motor vehicle manufacturer; or

12 (ii) a person operating on behalf of—

13 (I) a motor vehicle manufacturer;

14 (II) a motor vehicle financing
15 company;

16 (III) a motor vehicle dealer; or

17 (IV) a motor vehicle lessor.

18 (16) MOTOR VEHICLE REPAIR FACILITY.—The
19 term “motor vehicle repair facility” means any per-
20 son who, in the ordinary course of business, is en-
21 gaged in the business of diagnosis, service, mainte-
22 nance, repair, or calibration or recalibration of
23 motor vehicles or motor vehicle equipment.

1 (17) PERSON.—The term “person” means an
2 individual, trust, estate, partnership, association,
3 company, or corporation.

4 (18) REMANUFACTURER.—The term “remanu-
5 facturer” means a person who uses a standardized
6 industrial process by which previously sold, worn, or
7 non-functional products are returned to same-as-new
8 (or better) condition and performance in a process
9 that is in line with specific technical specifications
10 (including engineering, quality, and testing stand-
11 ards) and yields fully warranted products.

12 (19) SERVICE PROVIDER.—The term “service
13 provider” means any designee of a motor vehicle
14 owner or motor vehicle repair facility employed by
15 such motor vehicle owner or motor vehicle repair fa-
16 cility to assist with the diagnosis and repair of a
17 motor vehicle, including the diagnosis and repair of
18 wireless and remote technologies or any other wire-
19 less and remote services comparable to such pro-
20 vided by a motor vehicle manufacturer.

21 (20) SPECIFIED LEGAL BARRIER.—The term
22 “specified legal barrier” means—

23 (A) a request for a waiver of the right of
24 a motor vehicle owner under this Act to use a

1 motor vehicle repair facility of the choosing of
2 such owner;

3 (B) a requirement for such a waiver as a
4 condition for purchasing, leasing, operating, or
5 obtaining warranty repairs for a motor vehicle;
6 or

7 (C) an offer for such owner to receive any
8 compensation or other incentive for such a
9 waiver.

10 (21) TECHNOLOGICAL BARRIER.—The term
11 “technological barrier” means any technological re-
12 striction that prohibits, makes more difficult, or
13 tends to make more difficult the ability of a person
14 to exercise rights under this Act.

15 (22) TELEMATICS SYSTEM.—The term
16 “telematics system” means any system in a motor
17 vehicle that collects vehicle-generated data and
18 transmits such data using wireless communications
19 to a remote receiving point where such data is
20 stored.

21 (23) VEHICLE-GENERATED DATA.—

22 (A) IN GENERAL.—The term “vehicle-gen-
23 erated data” means any direct, real-time, in-ve-
24 hicle data generated, or generated and retained,
25 by the operation of a motor vehicle related to

1 diagnostics, repair, service, wear, and calibra-
2 tion or recalibration of parts and systems re-
3 quired to return such vehicle to operational
4 specifications in compliance with Federal motor
5 vehicle safety and emissions laws, regulations,
6 and standards.

7 (B) EXCLUSIONS.—The term vehicle-gen-
8 erated data does not include—

9 (i) diagnostics, repair, service, wear,
10 and calibration or recalibration of parts
11 and systems required to return an auto-
12 mated driving system to operational speci-
13 fications; or

14 (ii) any personally identifiable infor-
15 mation.

16 **SEC. 7. REPORT TO CONGRESS.**

17 Not later than 2 years after the date of the enact-
18 ment of this Act, and every 2 years thereafter, the Com-
19 mission shall submit to the Committee on Energy and
20 Commerce of the House of Representatives and the Com-
21 mittee on Commerce, Science, and Transportation of the
22 Senate a report that includes—

23 (1) a summary of investigations conducted and
24 orders issued pursuant to section 5(c), including de-
25 scriptions of unfair practices relating to repair and

1 data access restrictions and a summary of best prac-
2 tices from stakeholders;

3 (2) actions by the Commission to adapt to
4 changes and advances in motor vehicle technology to
5 maintain competition in the motor vehicle
6 aftermarket and to ensure motor vehicle owners
7 maintain control over the vehicle-generated data of
8 the motor vehicles of such owners; and

9 (3) any recommendations by the Commission
10 for legislation that would improve the ability of the
11 Commission and other relevant agencies to further
12 protect consumers from unfair acts limiting competi-
13 tion in motor vehicle repair and strengthen con-
14 sumer control over vehicle-generated data.

15 **SEC. 8. RELATIONSHIP TO STATE LAWS.**

16 A State, or political subdivision of a State, may not
17 maintain, enforce, prescribe, or continue in effect any law,
18 rule, regulation, requirement, standard, or other provision
19 having the force and effect of a law of the State, or polit-
20 ical subdivision of the State, that is covered by any provi-
21 sion of this Act or any regulation promulgated pursuant
22 to this Act.

23 **SEC. 9. SEVERABILITY.**

24 If any provision of this Act, or the application thereof
25 to any person or circumstance, is held invalid, the remain-

1 der of this Act, and the application of such provision to
2 other persons not similarly situated or to other cir-
3 cumstances, shall not be affected by the invalidation.