

119TH CONGRESS
1ST SESSION

S. _____

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 SENATE OF THE UNITED STATES

Mr. LUJÁN introduced the following bill; which was read twice and 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 **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. FINDINGS.**

2 Congress finds the following:

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 alternative
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.

(5) It is in the interest of the United States to foster competition in the motor vehicle repair industry and not limit consumers in their choices for maintenance, service, and repair, allowing consumers and the industry to benefit from a system that fosters communication, collaboration, and innovation and promotes consumer choice.

8 SEC. 3. DEFINITIONS.

9 (a) DEFINITIONS.—In this Act:

10 (1) AFTERMARKET PART.—The term
11 “aftermarket part” means a new part for a motor
12 vehicle that—

(A) is not original equipment and is sold or offered for sale to a motor vehicle manufacturer after the vehicle has left the motor vehicle manufacturer's production line; or

17 (B) was manufactured for a person that is
18 not the motor vehicle manufacturer.

19 (2) ALTERNATIVE PART.—

20 (A) IN GENERAL.—The term “alternative
21 part”—

(i) means any part for a motor vehicle offered for sale or for installation in or on a motor vehicle, or manufactured for sale to a motor vehicle manufacturer, after

1 such motor vehicle has left the motor vehi-
2 cle manufacturer’s production line; and

3 (ii) includes aftermarket parts, recy-
4 cled parts, and remanufactured parts.

5 (B) EXCLUSIONS.—The term “alternative
6 part” shall not include any original equipment.

7 (3) AUTHORIZED MOTOR VEHICLE SERVICE
8 PROVIDER.—The term “authorized motor vehicle
9 service provider” means a person who has—

10 (A) an arrangement with a motor vehicle
11 manufacturer under which the motor vehicle
12 manufacturer grants to the person a license to
13 use a trade name, service mark, or other propri-
14 etary identifier for the purpose of offering the
15 service of diagnosis, maintenance, or repair of
16 a motor vehicle under the name of the motor
17 vehicle manufacturer; or

18 (B) any other arrangement with the motor
19 vehicle manufacturer to offer such services on
20 behalf of the motor vehicle manufacturer.

21 (4) BARRIER.—The term “barrier” means a
22 technological or contractual restriction that prohibits
23 or materially interferes with the ability of a motor
24 vehicle repair facility or a service provider to return
25 a vehicle to operational specifications, including any

1 action that prohibits or materially interferes with the
2 process of pairing aftermarket parts or alternative
3 parts with the vehicle.

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

6 (6) CRITICAL REPAIR INFORMATION, TOOLS,
7 AND PARTS.—The term “critical repair information,
8 tools, and parts” means all necessary technical and
9 compatibility information, tools, and motor vehicle
10 equipment made available by a motor vehicle manu-
11 facturer to a motor vehicle dealer or a motor vehicle
12 repair facility, or used by the motor vehicle manu-
13 facturer, for the purpose of maintaining or repairing
14 a motor vehicle), wiring diagrams, parts nomen-
15 clature and descriptions, parts catalogs, repair pro-
16 cedures, training materials, software, and tech-
17 nology, including information related to diagnostics,
18 repair, service, calibration, or recalibration of parts
19 and systems to return a vehicle to operational speci-
20 fications.

21 (7) DIAGNOSTIC TOOL MANUFACTURER.— The
22 term “diagnostic tool manufacturer” means a person
23 who develops and manufactures any electronic tool
24 (or software for such tool) that connects to a motor
25 vehicle’s computer or electronic control modules in

1 order to download or access vehicle diagnostic trou-
2 ble codes or reprogram the motor vehicle’s computer
3 or electronic control modules to return the motor ve-
4 hicle to its original operating state.

5 (8) DISTRIBUTOR.—The term “distributor”
6 means a person that buys any motor vehicle equip-
7 ment or diagnostic tool from a manufacturer and
8 sells them to other businesses, stores, or customers.

9 (9) INSURER.—The term “insurer” has the
10 meaning given that term under section 313(r) of
11 title 31, United States Code, as term applies to
12 automobile insurance.

13 (10) JUNK YARD; SALVAGE YARD.—The terms
14 “junk yard” and “salvage yard” have the meanings
15 given those terms in section 25.52 of title 28, Code
16 of Federal Regulations as in effect on September 1,
17 2021.

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

22 (12) MOTOR VEHICLE DEALER.—The term
23 “motor vehicle dealer” has the meaning given to the
24 term “dealer” in section 30102(a) of title 49, United
25 States Code.

1 (13) MOTOR VEHICLE EQUIPMENT.—The term
2 “motor vehicle equipment” has the meaning given
3 such term in section 30102(a) of title 49, United
4 States Code.

5 (14) MOTOR VEHICLE MANUFACTURER.—The
6 term “motor vehicle manufacturer” has the meaning
7 given such term in section 30102(a) of title 49,
8 United States Code.

9 (15) MOTOR VEHICLE OWNER.—

10 (A) IN GENERAL.—The term “motor vehi-
11 cle owner” means—

12 (i) a person with a present possessive
13 ownership right in a motor vehicle; or

14 (ii) a lessee of a motor vehicle.

15 (B) EXCLUSIONS.—The term “motor vehi-
16 cle owner” shall not include a motor vehicle
17 manufacturer or a person operating on behalf
18 of a motor vehicle manufacturer, a motor vehi-
19 cle financing company, a motor vehicle dealer,
20 or a motor vehicle lessor.

21 (16) MOTOR VEHICLE REPAIR FACILITY.—The
22 term “motor vehicle repair facility” means any per-
23 son who, in its ordinary course of business, is en-
24 gaged in the business of diagnosis, service, mainte-

1 nance, repair, or calibration of motor vehicles or
2 motor vehicle equipment.

3 (17) ORIGINAL EQUIPMENT.—The term “origi-
4 nal equipment” means motor vehicle equipment (in-
5 cluding a tire) that, as of the time of delivery to the
6 first motor vehicle owner, is installed in or on a
7 motor vehicle.

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

11 (19) RECYCLED PART.—The term “recycled
12 part” means any part offered for sale or for installa-
13 tion in or on a motor vehicle that was previously in-
14 stalled in or on a different motor vehicle.

15 (20) REMANUFACTURER.—The term “remanu-
16 facturer” means a person utilizing a standardized
17 industrial process—

18 (A) by which previously sold, worn, or non-
19 functional products are returned to same-as-
20 new, or better, condition and performance;

21 (B) that is in line with specific technical
22 specifications, including engineering, quality,
23 and testing standards; and

24 (C) that yields fully warranted products.

1 (21) REMANUFACTURED PART.—The term “re-
2 manufactured part” means a part for a motor vehi-
3 cle produced by a remanufacturer.

4 (22) SERVICE PROVIDER.—The term “service
5 provider” means—

6 (A) any motor vehicle repair facility (or
7 other designee) who is employed by a motor ve-
8 hicle owner to assist with the diagnosis and re-
9 pair of a motor vehicle (including wireless and
10 remote technologies) or with any other wireless
11 and remote services comparable to those pro-
12 vided by a vehicle manufacturer;

13 (B) a motor vehicle dealer; or

14 (C) an authorized motor vehicle service
15 provider.

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

22 (24) VEHICLE-GENERATED DATA.—The term
23 “vehicle-generated data” means any in-vehicle data
24 generated (or generated and retained) by the oper-
25 ation of a motor vehicle related to diagnostics,

1 prognostics, repair, service, wear, calibration, or re-
2 calibration of parts or systems required to return a
3 vehicle to operational specifications in compliance
4 with Federal motor vehicle safety and emissions
5 laws, regulations, and standards.

6 (b) AUTHORITY TO EXPAND DEFINITIONS.—The
7 Commission, in consultation with the National Highway
8 Traffic Safety Administration, may promulgate regula-
9 tions in accordance with section 553 of title 5, United
10 States Code, to expand the definitions under this section,
11 as determined necessary by the Commission.

12 **SEC. 4. MAINTAINING COMPETITION AFTER CONSUMERS**
13 **PURCHASE OR LEASE THEIR MOTOR VEHI-**
14 **CLES.**

15 (a) IN GENERAL.—

16 (1) PROHIBITION ON RESTRICTING THE ABIL-
17 ITY OF MOTOR VEHICLE OWNERS TO USE THE RE-
18 PAIR PARTS AND REPAIR FACILITIES OF THEIR
19 CHOICE.—Beginning on the date that is 180 days
20 after the date of enactment of this Act:

21 (A) USE OF BARRIERS.—A motor vehicle
22 manufacturer shall not employ any barrier that
23 impairs the ability of—

24 (i) a motor vehicle owner (or their
25 designee) to access vehicle-generated data;

1 (ii) a motor vehicle owner (or their
2 designee), an aftermarket parts manufac-
3 turer, a motor vehicle equipment manufac-
4 turer, a remanufacturer, a diagnostic tool
5 manufacturer, or a motor vehicle repair fa-
6 cility (including their distributors and serv-
7 ice providers), to access critical repair in-
8 formation, tools, and parts;

9 (iii) a motor vehicle owner (or their
10 designee) to use a vehicle towing or service
11 provider of their choice;

12 (iv) an aftermarket parts manufac-
13 turer, a motor vehicle equipment manufac-
14 turer, a remanufacturer, a junk yard, a
15 salvage yard, or a motor vehicle repair fa-
16 cility (including their distributors and serv-
17 ice providers) to produce or offer compat-
18 ible alternative parts;

19 (v) a motor vehicle owner (or their
20 designee) to install and use compatible al-
21 ternative parts in or on a motor vehicle to
22 repair or maintain the motor vehicle; or

23 (vi) a motor vehicle owner (or their
24 designee) to diagnose, repair, or maintain
25 a motor vehicle.

1 (B) SOFTWARE UPDATES.—Subject to
2 paragraph (5), a motor vehicle manufacturer
3 shall not intentionally implement, while ad-
4 dressing driver and operational safety, any soft-
5 ware update to a motor vehicle with the specific
6 intent of rendering any compatible alternative
7 part or aftermarket part inoperable, in whole or
8 in part, except as required by an order issued
9 by the National Highway Traffic Safety Admin-
10 istration.

11 (2) REQUIREMENT TO PROVIDE VEHICLE-GEN-
12 ERATED DATA TO MOTOR VEHICLE OWNERS AND
13 THEIR DESIGNEES.—Beginning on the date that is
14 180 days after the date of enactment of this Act, a
15 motor vehicle manufacturer shall—

16 (A) provide to a motor vehicle owner (or
17 their designee), without restriction or limitation,
18 access to vehicle-generated data, including vehi-
19 cle-generated data made available through the
20 motor vehicle’s interface ports; and

21 (B) to the extent the motor vehicle is
22 equipped for wireless transmission of vehicle-
23 generated data over wireless technology via any
24 telematics system, provide to a motor vehicle

1 owner (or their designee) access to their vehicle-
2 generated data—

3 (i) at a fair, reasonable, and non-
4 discriminatory cost in or at the same man-
5 ner, sequence, and method as any motor
6 vehicle manufacturer, affiliate of a motor
7 vehicle manufacturer, motor vehicle dealer,
8 authorized motor vehicle service provider,
9 or any other third party to which a motor
10 vehicle manufacturer gives vehicle-gen-
11 erated data has access to such data; and

12 (ii) in a manner that is subject to the
13 same cryptographic or technological protec-
14 tions as any motor vehicle manufacturer,
15 affiliate of a motor vehicle manufacturer,
16 motor vehicle dealer, authorized motor ve-
17 hicle service provider, or any other third
18 party to whom the motor vehicle manufac-
19 turer provides such data.

20 (3) REQUIREMENT TO MAKE CRITICAL REPAIR
21 INFORMATION, TOOLS, AND PARTS AVAILABLE FOR
22 PURCHASE BY MOTOR VEHICLE OWNERS, DESIGNEES
23 OF MOTOR VEHICLE OWNERS, AND MEMBERS OF
24 THE REPAIR INDUSTRY.—Beginning on the date
25 that is 180 days after the date of enactment of this

1 Act, a motor vehicle manufacturer shall make avail-
2 able to motor vehicle owners (and their designees),
3 aftermarket parts manufacturers, remanufacturers,
4 diagnostic tool manufacturers, and motor vehicle re-
5 pair facilities (including their distributors and serv-
6 ice providers), without restrictions or limitations,
7 any critical repair information, tools, and parts re-
8 lated to the motor vehicles it manufactures at a fair,
9 reasonable, and non-discriminatory cost.

10 (4) PROHIBITION ON CERTAIN MANDATES BY
11 MOTOR VEHICLE MANUFACTURERS RELATED TO RE-
12 PAIRS.—

13 (A) IN GENERAL.—Subject to subpara-
14 graph (B), a motor vehicle manufacturer shall
15 not, within any repair or maintenance service
16 procedure, recommendation, service bulletin, re-
17 pair manual, position statement, software,
18 firmware, other electronic system, or other simi-
19 lar repair or maintenance guide that is distrib-
20 uted to consumers or to professional repair-
21 ers—

22 (i) mandate the use of any particular
23 brand or manufacturer of tools, parts, or
24 other motor vehicle equipment;

1 (ii) prohibit the use of alternative
2 parts to repair or maintain a motor vehi-
3 cle; or

4 (iii) recommend the use of any par-
5 ticular brand or manufacturer of tools,
6 parts, or other motor vehicle equipment
7 unless the motor vehicle manufacturer pro-
8 vides a prominent notice immediately fol-
9 lowing the recommendation, in the same
10 font as the recommendation and in a font
11 size no smaller than the font size used in
12 the recommendation, stating that: “Vehicle
13 owners can choose which repair tools,
14 parts, and other motor vehicle equipment
15 to purchase and should carefully consider
16 their options among different brands and
17 manufacturers.”.

18 (B) EXCEPTION.—The prohibition de-
19 scribed in subparagraph (A) shall not apply to
20 a recall, warranty repair, or voluntary repair
21 campaign.

22 (5) CYBERSECURITY.—Nothing in this section
23 shall preclude a motor vehicle manufacturer from
24 employing cryptographic or technological protections
25 necessary to secure vehicle-generated data, safety

1 critical vehicle systems, and vehicles, provided that
2 such protections comply with the requirements de-
3 scribed in paragraphs (1) and (2).

4 (6) DESIGNEE PROHIBITIONS.—A motor vehicle
5 manufacturer—

6 (A) shall not limit the number or type of
7 persons that a motor vehicle owner may des-
8 ignate as simultaneous designees; and

9 (B) shall ensure that a motor vehicle
10 owner has the ability to revoke the designation
11 of a person as a designee in the same manner
12 as the motor vehicle owner designated such per-
13 son as a designee.

14 (7) REQUIRED NOTIFICATION.—Each motor ve-
15 hicle manufacturer shall provide a notification, using
16 an on-vehicle screen or through a mobile device, to
17 a motor vehicle owner when the vehicle-generated
18 data of the owner is being accessed by any designee
19 of the owner.

20 (b) NULLIFICATION OF ATTEMPTS TO RESTRICT
21 COMPETITION AND CONSUMER RIGHTS.—Any provision
22 in a contract executed on or after the date of enactment
23 of this Act by or on behalf of a motor vehicle manufacturer
24 that purports to violate subsection (a) shall be null and

1 void to the extent that it would allow the motor vehicle
2 manufacturer to avoid its obligations under subsection (a).

3 (c) PROPRIETARY INTERFACES.—Nothing in this sec-
4 tion shall be construed—

5 (1) to require a motor vehicle dealer to use a
6 non-proprietary vehicle interface; or

7 (2) to prohibit a motor vehicle manufacturer
8 from developing a proprietary vehicle diagnostic and
9 reprogramming device, provided that the motor vehi-
10 cle manufacturer—

11 (A) otherwise complies with the require-
12 ments of this section; and

13 (B) makes any such proprietary device
14 available to all motor vehicle repair facilities
15 and parts and tool manufacturers upon fair and
16 reasonable terms.

17 **SEC. 5. FAIR COMPETITION AFTER VEHICLES ARE SOLD**
18 **ADVISORY COMMITTEE.**

19 (a) ESTABLISHMENT.—Not later than 90 days after
20 the date of enactment of this Act, the Commission shall
21 establish a “Fair Competition After Vehicles Are Sold Ad-
22 visory Committee” (in this section referred to as the “Ad-
23 visory Committee”) to provide recommendations to the
24 Commission regarding the implementation of this Act and
25 best practices to eliminate any barriers to competition in

1 the motor vehicle repair industry, including an assessment
2 of such existing and emerging barriers, as well as ensuring
3 motor vehicle owners' control over their vehicle-generated
4 data.

5 (b) MEMBERSHIP.—

6 (1) IN GENERAL.—The Advisory Committee
7 shall be composed of the following members:

8 (A) The Director of the Bureau of Com-
9 petition.

10 (B) The Administrator of the National
11 Highway Traffic Safety Administration.

12 (C) Eleven individuals, appointed by the
13 Chair of the Commission, from each of the fol-
14 lowing:

15 (i) Independent repair facilities.

16 (ii) Motor vehicle parts retailers.

17 (iii) Motor vehicle parts distributors.

18 (iv) Original equipment parts manu-
19 facturers.

20 (v) Aftermarket parts manufacturers.

21 (vi) Diagnostic tool manufacturers.

22 (vii) Motor vehicle manufacturers.

23 (viii) Vehicle dealership service cen-
24 ters.

25 (ix) Consumer rights organizations.

1 (x) Automobile insurers.

2 (xi) Trucking companies.

3 (2) CHAIR.—The Chair of the Commission shall
4 serve as the Chair of the Advisory Committee.

5 (c) DUTIES.—The Advisory Committee shall—

6 (1) provide recommendations to the Commis-
7 sion regarding fostering industry collaboration in a
8 clear and transparent manner;

9 (2) coordinate with and include participation by
10 the private sector (including each industry described
11 in subsection (b)(1)(C)), members of the public, and
12 other interested parties; and

13 (3) assess existing and emerging barriers to
14 competitive motor vehicle repair.

15 (d) MEETINGS.—The Advisory Committee shall meet
16 at least 3 times per year at the call of the Chair.

17 (e) REPORTS.—

18 (1) REPORT TO THE CHAIR.—Not later than
19 180 days after the first meeting of the Advisory
20 Committee, and annually thereafter, the Advisory
21 Committee shall submit to the Chair a report on ef-
22 forts by each industry described in subsection
23 (b)(1)(C) to implement this Act, as well as an as-
24 sessment of any existing and emerging barriers to

1 motor vehicle repair and motor vehicle owners' con-
2 trol over their vehicle-generated data.

3 (2) REPORT TO CONGRESS.—Not later than 30
4 days after receiving a report under paragraph (1),
5 the Commission shall submit to the Committee on
6 Energy and Commerce of the House of Representa-
7 tives and the Committee on Commerce, Science, and
8 Transportation of the Senate a copy of such report,
9 together with recommendations for such legislative
10 or administrative action as the Commission deter-
11 mines appropriate.

12 (f) TERMINATION.—The Advisory Committee shall
13 terminate upon an agreement of a majority of the mem-
14 bership, but in no case earlier than 1 year after the first
15 meeting of the Advisory Committee. The Advisory Com-
16 mittee shall provide notice of its planned termination to
17 Committee on Commerce, Science, and Transportation of
18 the Senate and the Committee on Energy and Commerce
19 of the House of Representatives, not later than 30 days
20 prior to such termination and shall include a basis for the
21 termination.

22 **SEC. 6. RULEMAKING.**

23 (a) SECURITY STANDARDS FOR ACCESS TO VEHICLE-
24 GENERATED DATA.—Not later than 1 year after the date
25 of enactment of this Act, the Administrator of the Na-

1 tional Highway Traffic Safety Administration, in consulta-
2 tion with the National Institute of Standards and Tech-
3 nology, shall promulgate regulations in accordance with
4 section 553 of title 5, United States Code, to establish—

5 (1) standards for consumer access to vehicle-
6 generated data in accordance with section 4(a)(2);
7 and

8 (2) procedures to ensure the security of vehicle-
9 generated data and motor vehicles as related to the
10 access of vehicle-generated data required under this
11 Act.

12 (b) CONSUMER NOTIFICATION.—Not later than 2
13 years after the date of enactment of this Act, the Commis-
14 sion, in coordination with the Administrator of the Na-
15 tional Highway Traffic Safety Administration, shall pro-
16 mulgate regulations in accordance with section 553 of title
17 5, United States Code, to require motor vehicle manufac-
18 turers and motor vehicle dealers to inform motor vehicle
19 owners of their rights under this Act at the point of pur-
20 chase or lease of a motor vehicle.

21 **SEC. 7. ENFORCEMENT BY THE COMMISSION.**

22 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
23 A violation of section 4(a) or a regulation promulgated
24 under this Act shall be treated as a violation of a rule
25 defining an unfair or deceptive act or practice under sec-

1 tion 18(a)(1)(B) of the Federal Trade Commission Act
2 (15 U.S.C. 57a(a)(1)(B)).

3 (b) POWERS OF THE COMMISSION.—

4 (1) IN GENERAL.—The Commission shall en-
5 force this Act in the same manner, by the same
6 means, and with the same jurisdiction, powers, and
7 duties as though all applicable terms and provisions
8 of the Federal Trade Commission Act (15 U.S.C. 41
9 et seq.) were incorporated into and made a part of
10 this Act.

11 (2) PRIVILEGES AND IMMUNITIES.—Any person
12 who violates this Act or a regulation promulgated
13 thereunder shall be subject to the penalties and enti-
14 tled to the privileges and immunities provided in the
15 Federal Trade Commission Act (15 U.S.C. 41 et
16 seq.).

17 (3) AUTHORITY PRESERVED.—Nothing in this
18 Act shall be construed to limit the authority of the
19 Commission under any other provision of law.

20 (4) RULEMAKING.—The Commission shall pro-
21 mulgate in accordance with section 553 of title 5,
22 United States Code, such rules as may be necessary
23 to carry out this Act.

1 **SEC. 8. CONSUMER COMPLAINTS.**

2 (a) IN GENERAL.—Not later than 90 days after the
3 date of enactment of this Act, the Commission shall estab-
4 lish a mechanism to receive complaints regarding alleged
5 violations of this Act by a motor vehicle manufacturer.

6 (b) NOTIFICATION TO AND RESPONSE FROM A
7 MOTOR VEHICLE MANUFACTURER.—Upon receiving a
8 complaint through the mechanism established under sub-
9 section (a), the Commission shall forward the complaint
10 to the motor vehicle manufacturer named in the com-
11 plaint, and request that such motor vehicle manufacturer
12 answer the complaint in writing within a reasonable time,
13 as specified by the Commission, but in no case shall such
14 time period exceed 30 days from the motor vehicle manu-
15 facturer's receipt of the complaint.

16 (c) INVESTIGATION BY THE COMMISSION.—

17 (1) IN GENERAL.—If the motor vehicle manu-
18 facturer does not answer within the time period
19 specified by the Commission under subsection (b),
20 the Commission shall investigate the matters com-
21 plained of in such manner and by such means as the
22 Commission shall consider proper.

23 (2) SPECIAL RULE.—In investigating a com-
24 plaint under this section, the Commission may not
25 dismiss such complaint due to the absence of direct
26 damage to the person submitting such complaint.

1 (3) DEADLINE FOR ORDERS BY THE COMMIS-
2 SION.—The Commission shall, with respect to any
3 investigation of complaint of a violation of this Act
4 or a regulation promulgated thereunder, issue an
5 order concluding such investigation within 5 months
6 after the date on which the complaint was filed. Any
7 order concluding an investigation under this para-
8 graph shall be a final order and may be appealed to
9 the United States District Court for the District of
10 Columbia.

11 **SEC. 9. REPORT TO CONGRESS.**

12 Not later than 2 years after the date of enactment
13 of this Act, and biennially thereafter, the Commission
14 shall submit to the Committee on Commerce, Science, and
15 Transportation of the Senate and the Committee on En-
16 ergy and Commerce of the House of Representatives a re-
17 port that includes—

18 (1) a summary of investigations conducted and
19 orders issued under section 8, including—

20 (A) a description of any unfair practice re-
21 lating to repair and data access restrictions;
22 and

23 (B) a summary of best practices from
24 stakeholders; and

1 (2) a description of any action the Commission
2 is taking to—

3 (A) adapt to changes and advances in
4 motor vehicle technology to maintain competi-
5 tion in the motor vehicle aftermarket; and

6 (B) ensure motor vehicle owners' control
7 over their vehicle-generated data.

8 **SEC. 10. RELATIONSHIP WITH OTHER LAWS.**

9 (a) **PREEMPTION OF OTHER STATE LAWS.**—No
10 State or political subdivision of a State may adopt, main-
11 tain, enforce, impose, or continue in effect a law, regula-
12 tion, rule, standard, prohibition, requirement, or other
13 provision having the force and effect of law that is covered
14 by the provisions of this Act, or a rule, regulation, or re-
15 quirement promulgated under this Act.

16 (b) **FIELD PREEMPTION.**—This Act shall preempt
17 any State law, rule, or regulation that mandates the use
18 of any particular brand or manufacturer of tools, parts,
19 or other motor vehicle equipment, or prohibits the use of
20 any aftermarket parts, recycled parts, or remanufactured
21 parts solely on the basis of such parts being aftermarket
22 parts, recycled parts, or remanufactured parts, for the
23 purpose of maintaining, diagnosing, or repairing a motor
24 vehicle.

1 **SEC. 11. SEVERABILITY.**

2 If any provision of this Act, or the application thereof
3 to any person or circumstance, is held invalid, the remain-
4 der of this Act, and the application of such provision to
5 other persons not similarly situated or to other cir-
6 cumstances, shall not be affected by the invalidation.