

June 16, 2023

The Honorable Cathy McMorris Rodgers
Chair
Energy and Commerce Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
Energy and Commerce Committee
U.S. House of Representatives
Washington, DC 20515

Dear Chair McMorris Rodgers and Ranking Member Pallone:

We, the undersigned stakeholders and organizations, employing approximately 1.3 million individuals in jobs related to the medium- and heavy-duty truck industry throughout the United States, write to strongly oppose the “Right to Equitable and Professional Auto Industry Repair (REPAIR) Act” (H.R. 906). From the trucking perspective, the bill is fatally flawed because it treats heavy-duty trucks the same as light-duty vehicles and makes no provision acknowledging the vast differences between these two types of vehicles.

As you are aware, many federal laws and regulations governing safety, fuel economy and emissions have been bifurcated, with separate rules for light-duty vehicles and another set of rules for heavy-duty vehicles. The law treats these vehicles separately because of the vast differences between these two types of vehicles. For example, heavy-duty trucks are custom-built and exclusively sold to businesses or governments. In contrast, light-duty vehicles are mass produced for the general public. Light-duty vehicles are designed primarily to carry passengers; heavy-duty trucks are designed to carry freight or perform a specific job. Despite all these differences, H.R. 906 regulates a sedan the same as a dump truck.

The supporters of H.R. 906 tout that the legislation offers “consumer access” and “consumer choice.” However, heavy-duty trucks are not consumer products. The independent repair shop which services heavy-duty trucks often performs specialty work, and truck dealers will routinely sublet such repairs to independent shops. No data or evidence has been produced by the bill’s proponents showing that there is a withholding of information by truck manufacturers to prevent independent repairers from fixing heavy-duty trucks.

Additionally, H.R. 906 would give any third-party unfettered access to all vehicle data, which raises privacy, security, environmental, and safety concerns by mandating that original truck equipment manufacturers provide any party designated by the vehicle owners all the “vehicle-generated” data unconditionally. This provision would cover even data that is unrelated to servicing the vehicle, which ostensibly is the purpose of the legislation.

H.R. 906 also undermines intellectual property rights by compelling truck manufacturers to provide any “aftermarket parts manufacturer” the information necessary “to produce or offer compatible aftermarket parts.” This provision unfairly gives aftermarket parts manufacturers, including those located overseas, the ability to potentially reverse engineer truck parts for which they had no part in engineering or designing. Once again, this provision has nothing to do with fixing a heavy-duty truck.

This legislation also gives the Federal Trade Commission the power to fine truck manufacturers \$50,120 per violation and gives the agency discretionary powers to expand the scope of the bill

via regulation. The Committee may want to review if this legislation gives too much discretionary power to the agency.

Finally, the Committee should examine the preemption of state law in Section 9 of the bill.

We urge the House Energy and Commerce Committee to reject H.R. 906. Thank you for your consideration.

Sincerely,



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