

Ms. Wilson and Ms. Kern:

We respond below to Questions 3 and 4 of your May 20, 2024, letter, and attach the requested survey material and GAO study.

Auto Care supports MEMA's new exemption petition for Class 7, Computer Programs – Vehicle Operational Data. MEMA's petition for Computer Programs – Vehicle Operational Data would create a necessary extension of the existing DMCA exemption for Computer Programs - Repair of Motorized, Land Vehicles, Marine Vessels, or Mechanized Agricultural Vehicles or Vessels.

As vehicles become more complex and technologically advanced, the need for choice will be critically important. With over 70% of after warranty vehicle repairs occurring at independent repair facilities, access to tools and data from OEMs will be critical to bring down repair costs. Repairs at independent shops are, on average, 36% cheaper than at the dealership and in most cases can be completed in a fraction of the time.

Moreover, this growing trend is particularly concerning when considering that consumers prefer independent repair shops to dealerships for vehicle repairs, according to separate research from Consumer Reports.

Auto Care Association released results from a nationwide survey of repair shops highlighting the challenges that independent repair facilities face when servicing vehicles, often forcing them to turn away business. These new survey findings reiterate the immediate need for the bipartisan REPAIR Act, which would ensure that vehicles owners and repairers of their choice have access to vehicle data, tools, and software required to maintain modern vehicles. Results indicate:

- 84% of independent repair shops view vehicle repair and maintenance data access as the top issue for their business, surpassing other timely considerations, like technician recruitment and retention and inflation.
- The majority (63%) of independent repair shops experience difficulties making routine repairs on a daily or weekly basis.
- Half of independent repair shops (51%) report sending up to 5 vehicles per month to the dealer due to vehicle data restrictions.
- Vehicle data limitations cost independent repair shops an estimated \$3.1 billion each year.¹

¹ [04-10-2024_auto-care_research-memo_april-2024.pdf \(autocare.org\)](#)

In March, the Government Accountability Office (GAO) released a report detailing how vehicle repair restrictions can “disadvantage” independent repairers relative to dealerships. Limiting access to vehicle data harms competition which results in higher prices, less safe vehicles, and less accessibility.²

Should you have any further questions, please contact me at your convenience.

Respectfully submitted,

Lisa Foshee

SVP Government Affairs and General Counsel

² <https://www.autocare.org/news/latest-news/details/2024/03/21/auto-care-association-welcomes-gao-report-on-vehicle-repair-restrictions-urges-congress-to-act>