

# Committee Print

SHOWING THE TEXT OF H.R. 2048, AS REPORTED BY THE SUBCOMMITTEE  
ON COMMERCE, TRADE, AND CONSUMER PROTECTION

109TH CONGRESS  
1ST SESSION

# H. R. 2048

To protect the rights of consumers to diagnose, service, and repair motor  
vehicles in the United States, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2005

Mr. BARTON of Texas (for himself, Mr. TOWNS, and Mr. ISSA) introduced the  
following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To protect the rights of consumers to diagnose, service, and  
repair motor vehicles in the United States, 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 “Motor Vehicle Owners’  
5 Right to Repair Act of 2005”.



1 **SEC. 2. MANUFACTURER DISCLOSURE REQUIREMENTS.**

2 (a) DUTY TO DISCLOSE.—The manufacturer of a  
3 motor vehicle sold or introduced into commerce in the  
4 United States shall promptly provide to the vehicle owner,  
5 or to a repair facility of the motor vehicle owner's choos-  
6 ing, the information necessary to diagnose, service, or re-  
7 pair the vehicle. The motor vehicle manufacturer shall  
8 make available all non-emission-related service informa-  
9 tion, training information, and diagnostic tools on a non-  
10 discriminatory basis to any repair facility of the owner's  
11 choosing, and shall not limit such information to those re-  
12 pair facilities within the manufacturers' approved net-  
13 work.

14 (b) PROTECTION OF TRADE SECRETS.—Nothing in  
15 this Act shall be deemed to require the disclosure of trade  
16 secrets, nor the public disclosure of any information re-  
17 lated to the design and manufacture of motor vehicle  
18 parts. However, no information necessary to repair a vehi-  
19 cle shall be withheld by a manufacturer if such informa-  
20 tion is provided (directly or indirectly) to franchised deal-  
21 erships or other repair facilities.

22 **SEC. 3. REGULATIONS.**

23 (a) IN GENERAL.—Not later than 1 year after the  
24 date of enactment of this Act, the Federal Trade Commis-  
25 sion shall prescribe regulations setting forth an appro-  
26 priate method by which manufacturers shall provide the



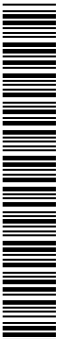
1 information required by section 2, including disclosure in  
2 writing, via the Internet, or under such terms as the Com-  
3 mission determines appropriate. The Commission shall  
4 consider the recommendations in the report of the Comp-  
5 troller General required under section 4 in prescribing  
6 such regulations. The regulations shall take effect upon  
7 final issuance of such regulations and shall apply to vehi-  
8 cles manufactured after model year 1994.

9 (b) LIMITATION.—The Federal Trade Commission  
10 may not prescribe rules that interfere with the authority  
11 of, or conflict with rules prescribed by, the Administrator  
12 of the Environmental Protection Agency under section  
13 202(m) of the Clean Air Act (42 U.S.C. 7521(m)) with  
14 regard to motor vehicle emissions control diagnostics sys-  
15 tems.

16 **SEC. 4. G.A.O. STUDY ON ACCESSIBILITY OF REPAIR INFOR-**  
17 **MATION.**

18 The Comptroller General shall conduct a study on the  
19 accessibility of automobile repair and service information  
20 and tools to independent repair facilities and service pro-  
21 viders. Such study shall—

22 (1) examine the extent of the problem of re-  
23 stricted access to information necessary for the  
24 proper repair of automobiles;



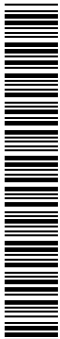
1           (2) review the service information requirements  
2           of the Environmental Protection Agency to deter-  
3           mine whether such requirements can be expanded to  
4           effectively include non emissions-related repair and  
5           tool information, in order to minimize the impact on  
6           manufacturers while ensuring competition in the ve-  
7           hicle repair market; and

8           (3) examine any proprietary information issues  
9           that have arisen in the rulemaking process of the  
10          Environmental Protection Agency and how such  
11          issues might impact any rulemaking by the Federal  
12          Trade Commission.

13 The Comptroller General shall transmit a report of the  
14 study to Congress and to the Federal Trade Commission  
15 not later than 120 days after the date of enactment of  
16 this Act. Such report shall recommend rules and guide-  
17 lines which may be adopted by the Federal Trade Commis-  
18 sion pursuant to section 3 of this Act, as appropriate, to  
19 ensure competition in the repair industry, while maintain-  
20 ing automobile owner safety and security.

21 **SEC. 5. ENFORCEMENT.**

22          (a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The  
23 failure by a manufacturer to comply with section 2(a) or  
24 the regulations prescribed under section 3 may be treated  
25 as an unfair method of competition and an unfair or de-



1 ceptive act or practice in or affecting commerce (within  
2 the meaning of section 5(a)(1) of the Federal Trade Com-  
3 mission Act (15 U.S.C. 45(a)(1))). A violation of this Act  
4 may be treated as a violation of a rule defining an unfair  
5 or deceptive act or practice prescribed under section  
6 18(a)(1)(B) of the Federal Trade Commission Act (15  
7 U.S.C. 57a(a)(1)(B)).

8 (b) ACTIONS BY THE FEDERAL TRADE COMMIS-  
9 SION.—The Federal Trade Commission shall enforce this  
10 Act in the same manner, by the same means, and with  
11 the same jurisdiction, powers, and duties as though all ap-  
12 plicable terms and provisions of the Federal Trade Com-  
13 mission Act (15 U.S.C. 41 et seq.) were incorporated into  
14 and made a part of this Act. Any entity that violates this  
15 Act shall be subject to the penalties and entitled to the  
16 privileges and immunities provided in the Federal Trade  
17 Commission Act in the same manner, by the same means,  
18 and with the same jurisdiction, power, and duties as  
19 though all applicable terms and provisions of the Federal  
20 Trade Commission Act were incorporated into and made  
21 a part of this Act.

22 (c) NO PRIVATE RIGHT OF ACTION.—Nothing con-  
23 tained in this Act shall be construed as giving rise to a  
24 private right of action. No person may bring a civil action  
25 under the laws of any State if such action is premised



1 in whole or in part upon the defendant violating any provi-  
2 sion of this Act. This subsection shall not be construed  
3 to limit the enforcement of any State consumer protection  
4 law by an Attorney General of a State.

5 (d) EFFECT ON OTHER LAWS.—Nothing contained  
6 in this Act shall be construed to limit the authority of the  
7 Federal Trade Commission under any other provisions of  
8 law.

9 **SEC. 6. DEFINITIONS.**

10 In this Act:

11 (1) The terms “manufacturer”, “motor vehi-  
12 cle”, and “motor vehicle equipment” have the mean-  
13 ings given those terms in section 30102(a) of title  
14 49, United States Code.

15 (2) The term “motor vehicle owner” or “vehicle  
16 owner” means any person who owns, leases, or oth-  
17 erwise has the legal right to use and possess a motor  
18 vehicle.

19 (3) The term “repair facility” means a facility  
20 maintained by a person engaged in the repair, diag-  
21 nosing, or servicing of motor vehicles or motor vehi-  
22 cle engines.

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