

November 16, 2005

The Honorable J. Dennis Hastert  
Speaker  
House of Representatives  
H-232 Capitol Building  
Washington, DC 20515

The Honorable Roy Blunt  
Acting Majority Leader  
House of Representatives  
H-107 Capitol Building  
Washington, DC 20515

Dear Speaker Hastert and Acting Majority Leader Blunt:

As members of the Republican Study Committee, we are writing to express a number of concerns with H.R. 2048, the Motor Vehicle Owners' Right to Repair Act of 2005, currently being considered by the House Energy and Commerce Committee.

At this critical time when we are trying to define what a Republican is; this bill seeks new federal government regulation over the automotive repair industry. This legislation provides for new federal government regulation through the Federal Trade Commission to address the issue of access to automotive repair information by service providers. Based on the information we have reviewed, it appears that the flow of service information, training information, diagnostic tools, and tool information from automobile manufacturers to service providers and others has never been better and there is already a voluntary private sector effort in place that serves to facilitate and enhance access to these items. In fact, that same private sector effort addressed the 48 inquiries it received last year about gaps in service information, just 48 inquiries out of roughly 500 million repairs.

Not only does this legislation supplant the private sector initiative for federal regulation to address a minute fraction of issues, we are concerned that the legislation opens the door to additional litigation and threatens the intellectual property and competitiveness of automobile manufacturers. The findings alone in this legislation may give rise to new lawsuits under state law unless specifically prohibited. It is also our understanding that it is large aftermarket parts distributors, not independent garages, who are favoring this legislation on the premise that it will force disclosure of proprietary information, allowing for the cheap production of aftermarket parts overseas since research and development will no longer be needed to reverse engineer a part.

Given that the legislation displaces working private sector initiatives with federal government regulation, promotes litigation, and threatens the intellectual property and competitiveness of automobile manufacturers, we believe it will do great harm to the automotive industry, including the service providers this legislation seemingly seeks to assist.

Sincerely,

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