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# United States Senate

COMMITTEE ON BANKING, HOUSING, AND  
URBAN AFFAIRS

WASHINGTON, DC 20510-6075

February 4, 2026

Patrick Littler  
Head of Retail Strategy  
DriveTime  
1720 W Rio Salado Pkwy  
Tempe, AZ 85281

Dear Mr. Littler,

I am writing to you to request information regarding DriveTime's auto repossession practices and error rates. Auto repossession rates have hit the highest levels since the Great Recession, leading to greater demand and pressure on companies that handle the physical act of repossessing cars. While the Consumer Financial Protection Bureau (CFPB) has historically engaged in oversight of illegal auto repossession,<sup>1</sup> the Trump Administration has kneecapped the agency's ability to protect consumers from auto repossession errors.<sup>2</sup> To understand the impact of these actions by the Administration, I write to request information on DriveTime's practices to avoid errors and information on errors from the last four years.

Consumers are currently struggling to afford cars, with the price of new cars topping \$50,000 on average and the price of used cars averaging over \$25,000.<sup>3</sup> Since January 2020, the cost of owning a car has risen by 40%.<sup>4</sup> The average interest rate for a four year auto loan on a new car was 7.51% in August 2025 which, while slightly below the peak in early 2024, is well above pre-

<sup>1</sup> E.g. Consumer Financial Protection Bureau, "Consumer Financial Protection Bureau Settles with Nissan Motor Acceptance Corporation for Illegal Collections and Repossession Practices," press release, October 13, 2020, <https://www.consumerfinance.gov/about-us/newsroom/consumer-financial-protection-bureau-settles-nissan-motor-acceptance-corporation-illegal-collections-and-repossession-practices/>; Consumer Federation of America, "Driven to Default: Economy-Wide Risks of Rising Auto Loan Delinquencies," Erin Witte and Tara Mikkilineni, September 10, 2025, p. 8, <https://consumerfed.org/wp-content/uploads/2025/09/Driven-to-Default-9.9.25-final.pdf>; Consumer Financial Protection Bureau, "CFPB Takes Action Against Wrongful Auto Repossessions and Loan Servicing Breakdowns," press release, October 7, 2024, <https://www.consumerfinance.gov/about-us/newsroom/cfpb-takes-action-against-wrongful-auto-repossession-and-loan-servicing-breakdowns/>.

<sup>2</sup> Dashboard, "CFPB rescinds regulatory guidance on repossession, other items," June 4, 2025, <https://niada.com/dashboard/cfpb-rescinds-regulatory-guidance-on-repossession-other-items/>; Reuters, "White House budget director plans to shut US consumer finance watchdog within months," Nandita Bose, Doina Chiacu and Douglas Gillison, October 15, 2025, <https://www.reuters.com/business/world-at-work/white-house-budget-director-vought-says-over-10000-federal-workers-could-be-laid-2025-10-15/>; Politico, "Trump administration declares CFPB funding illegal," Michael Stratford, November 11, 2025, <https://www.politico.com/news/2025/11/11/trump-administration-declares-cfpb-funding-illegal-00646354>.

<sup>3</sup> NPR, "Cars are essential in most of the U.S. They're also increasingly unaffordable," October 30, 2025, Camila Domonoske, <https://www.npr.org/2025/10/29/nx-s1-5556935/cost-of-living-cars>.

<sup>4</sup> *Id.*

pandemic rates.<sup>5</sup> Subprime borrowers are particularly vulnerable to the rising costs: in recent months, multiple lenders for subprime borrowers have halted issuing any new loans<sup>6</sup>; meanwhile, over 6% of loans to subprime borrowers are 60 days or more delinquent.<sup>7</sup>

The rates of delinquencies and repossessions in the auto market is a blaring alarm that American consumers are hurting financially. The default rates on car loans are increasing at a *nearly identical* pace to default rates in the lead up to the 2008 financial crisis.<sup>8</sup> Last year was on pace to have more repossessions than any year since 2009.<sup>9</sup> The former president of the American Recovery Association said that 2025 was “looking to be the most active repossession year since the last financial crisis.”<sup>10</sup>

Having a car repossessed is a devastating and deeply disruptive experience. The vast majority of Americans who commute to work depend on a car,<sup>11</sup> and across the U.S., nearly half of Americans have *no* access to public transportation.<sup>12</sup> Losing access to a car often means losing a paycheck. Lack of transportation further limits consumers’ abilities to care for family, take children to daycare or doctors appointments, and access grocery stores, health clinics, and government buildings. Consumers who are forced to choose which bill to pay will often prioritize their car payment over other bills, as “autos can be repossessed with little notice.”<sup>13</sup>

In the Buy-Here-Pay-Here (BHPH) model, dealers provide customers with financing “in-house” and often provide broader lending standards than traditional lenders and dealerships.<sup>14</sup> As such, BHPH dealers provide financing to individuals who may not meet the qualifications for standard lenders and who may also end up paying higher rates and/or have large down payment requirements.<sup>15</sup> It was reported that between 2018 and 2020, BHPH lenders wrote off more than

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<sup>5</sup> Federal Reserve Bank of St. Louis, “Finance Rate on Consumer Installment Loans at Commercial Banks, New Autos 48 Month Loan,” October 7, 2025, <https://fred.stlouisfed.org/series/TERMCBAUTO48NS>.

<sup>6</sup> The Telegraph, “On the frontline of America’s car repossession boom,” Melissa Lawford, November 5, 2025, <https://www.telegraph.co.uk/business/2025/11/05/on-the-frontline-of-americas-car-repossession-boom/>.

<sup>7</sup> The Wall Street Journal, “Americans Are Falling Behind on Their Car Payments,” Ben Clickman and Ryan Felton, October 10, 2025, <https://www.wsj.com/business/autos/auto-loans-subprime-late-payments-1d8bb33c>.

<sup>8</sup> Consumer Federation of American, “Driven to Default: Economy-Wide Risks of Rising Auto Loan Delinquencies,” Erin Witte and Tara Mikkilineni, September 10, 2025, p. 5, <https://consumerfed.org/wp-content/uploads/2025/09/Driven-to-Default-9.9.25-final.pdf>

<sup>9</sup> Newsweek, “Car Repossessions Approaching Record High as Delinquency Rates Soar,” Hugh Cameron, October 20, 2025, <https://www.newsweek.com/car-repossessions-approaching-record-high-as-delinquency-rates-soar-10908518>.

<sup>10</sup> The Telegraph, “On the frontline of America’s car repossession boom,” Melissa Lawford, November 5, 2025, <https://www.telegraph.co.uk/business/2025/11/05/on-the-frontline-of-americas-car-repossession-boom/>.

<sup>11</sup> United States Census Bureau, “Census Bureau Releases New Brief About Travel to Work Since Pandemic’s Onset,” press release, February 20, 2024, <https://www.census.gov/newsroom/press-releases/2024/travel-to-work-since-pandemic.html>.

<sup>12</sup> American Public Transportation “Public Transportation Facts,” <https://www.apta.com/news-publications/public-transportation-facts/>.

<sup>13</sup> FICO Score, “FICO® Score Credit Insights,” p. 12, <https://www.fico.com/en/resource-access/download/55026>; Federal Reserve Bank of New York, “When the Household Pie Shrinks, Who Gets Their Slice?,” Jacob Conway, Natalia Fischl-Lanzoni, and Matthew Plosser, March 6, 2025, <https://libertystreeteconomics.newyorkfed.org/2025/03/when-the-household-pie-shrinks-who-gets-their-slice/>.

<sup>14</sup> Experian, “What Is Buy Here, Pay Here Auto Financing?,” Emily Gerson, July 18, 2024, <https://www.experian.com/blogs/ask-experian/what-is-a-buy-here-pay-here-dealership/>.

<sup>15</sup> *Id.*

35% of their loans.<sup>16</sup> There is also evidence that repossession are built into BHPH dealers' business models<sup>17</sup> and that “[d]efaults and repossession may actually be more beneficial to BHPH dealers than a consumer's successful completion of all the required payments.”<sup>18</sup> As such, BHPH dealers may handle a higher rate of repossession than traditional lenders and servicers.

When cars are repossessed, the process can include lenders and multiple outside parties. Typically, when a lender decides to trigger a repossession, the lender hires an outside party to handle the repossession, known as an “assignment.”<sup>19</sup> Some of these assignments are funneled through a “forwarder,” another middleman in the repossession chain.<sup>20</sup> These forwarders take a cut of the profit, limiting the funds available to pay the party who handles the ultimate repossession.<sup>21</sup> The often-local repossession company is then responsible for finding the car and completing the repossession.<sup>22</sup>

Currently, there is no publicly available data nor comprehensive review of error rates in auto repossession. Typically, this is the type of investigation that the CFPB would conduct<sup>23</sup> and would be consistent with their prior extensive oversight and enforcement work on unlawful repossession.<sup>24</sup> However, as repossession rates are rising, the Acting Director of the CFPB is trying to illegally shut down the agency and sideline its work on behalf of American families.<sup>25</sup> The CFPB, under the Trump Administration, recently issued a proposed rule that could “eliminate all oversight of subprime lenders” and require oversight only for lenders that originate more than 1 million loans a year—effectively removing supervision from all but five of them.<sup>26</sup> The CFPB has also rescinded guidance<sup>27</sup> on “Mitigating Harm From Repossession of

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<sup>16</sup> NABD and Subprime Analytics, “Buy-Here, Pay-Here Trends Market Perspectives 2020,” p. 9, <https://www.sgcaccounting.com/Resources/BHPHBenchmarks2020.pdf#:~:text=Average%20Gross%20Dollar%20Loss%20,21st%20Month>.

<sup>17</sup> Los Angeles Times, “A vicious cycle in the used car business,” Ken Bensinger, October 30 - November 2, 2011, <https://www.latimes.com/projects/la-fi-buyhere-payhere/>.

<sup>18</sup> Comment of Center for Responsible Lending et al., Auto Finance Data Project Docket No. CFPB-2024-0004, March 25, 2024, p. 5, <https://www.nclc.org/wp-content/uploads/2024/03/Consumer-Groups-Comment-CFPB-2024-0004-Auto-Finance-Data-3-25-24.pdf>.

<sup>19</sup> The Telegraph, “On the frontline of America’s car repossession boom,” Melissa Lawford, November 5, 2025, <https://www.telegraph.co.uk/business/2025/11/05/on-the-frontline-of-americas-car-repossession-boom/>.

<sup>20</sup> The Wall Street Journal, “We Spent the Night Shift With the Repo Man, Who Is Busier Than Ever,” Scott Calvert, October 28, 2025, <https://www.wsj.com/business/autos/we-spent-the-night-shift-with-the-repo-man-who-is-busier-than-ever-ff40dc9>.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> 15 U.S.C. 5562(c)(1) (giving the CFPB authority to issue a civil demand to parties in possession of materials or information “relevant to a violation.”).

<sup>24</sup> CFPB, “CFPB Takes Action Against Wrongful Auto Repossessions and Loan Servicing Breakdowns,” press release, October 7, 2024, <https://www.consumerfinance.gov/about-us/newsroom/cfpb-takes-action-against-wrongful-auto-repossession-and-loan-servicing-breakdowns/>.

<sup>25</sup> Reuters, “White House budget director plans to shut US consumer finance watchdog within months,” Nandita Bose, Doina Chiacu and Douglas Gillison, October 15, 2025, <https://www.reuters.com/business/world-at-work/white-house-budget-director-vought-says-over-10000-federal-workers-could-be-laid-2025-10-15/>; Politico, “Trump administration declares CFPB funding illegal,” Michael Stratford, November 11, 2025, <https://www.politico.com/news/2025/11/11/trump-administration-declares-cfpb-funding-illegal-00646354>.

<sup>26</sup> American Banker, “As auto delinquencies rise, CFPB seeks to cut oversight,” Kate Berry, November 6, 2025, <https://www.americanbanker.com/news/as-auto-delinquencies-rise-cfpb-seeks-to-cut-oversight>.

Automobiles,” which had provided information, best practices, and examples of potential violations related to auto repossession.<sup>28</sup>

Car repossession is a devastating disruption to someone’s life—and it is inexcusable when that repossession is in error. To provide me with a better understanding of the current consumer protections in the repossession market, I request answers to the following questions no later than February 16, 2026.

1. Between January 1, 2022 and December 31, 2025, please provide the following data on both a monthly and annual basis, unless otherwise noted. Please limit your responses to personal automobiles.
  - a. Does DriveTime service its own loans or hire a third party to service the loans? If DriveTime hires a third party, please provide the name(s) of those third parties who service DriveTime’s loans.
  - b. How many personal automobiles has DriveTime repossessed or ordered repossessed?
    - i. How many were repossessed directly by DriveTime?
    - ii. How many involved the direct hiring of an outside party to complete the repossession?
    - iii. How many involved hiring a forwarder who in turn hired an outside party to complete the repossession?
  - c. How many assignments has DriveTime issued?
  - d. How many repossession events related to DriveTime’s loans involved either: i) towing or attempting to tow the incorrect personal automobile due to an error by DriveTime or DriveTime’s employees or contractors, or ii) towing or attempting to tow a personal automobile that was later determined to be an error due to an error by an outside entity directly or indirectly hired by DriveTime.
    - i. For each error, please provide: i) the date of the event, ii) a description of the error, iii) how the error was identified, and iv) how the error was resolved.
  - e. How many repossession events related to DriveTime’s loans involved a consumer making a formal or informal complaint or claim that a repossession was in error, even if DriveTime disagreed?
    - i. On an annual basis, what are the most common reasons consumers believe the repossession to be in error? Please list the top 5 reasons provided by consumers.
      1. Provide further information on how these situations were resolved to include: i) timeline of resolution, ii) the ultimate resolution of such situations, and iii) how often these processes include a consumer lodged complaint with a government agency, the Better Business Bureau, or other third party.

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<sup>27</sup> Dashboard, “CFPB rescinds regulatory guidance on repossession, other items,” June 4, 2025, <https://niada.com/dashboard/cfpb-rescinds-regulatory-guidance-on-repossessions-other-items/>.

<sup>28</sup> Consumer Financial Protection Bureau, Compliance Bulletin and Policy Guidance, “Mitigating Harm From Repossession of Automobiles,” March 3, 2022, <https://www.federalregister.gov/documents/2022/03/03/2022-04508/bulletin-2022-04-mitigating-harm-from-repossession-of-automobiles>.

- ii. How often does DriveTime handle a situation in which there is a dispute between DriveTime and the consumer about the terms of an agreement, particularly following a loan modification or other arrangement? Please discuss how often such situations relate to COVID era modifications.
  - iii. How many repossession occur for loans where a consumer has made a formal or informal complaint or claim that there was a material problem with the underlying transaction?
2. What steps does DriveTime take to ensure that its agents, or agents of its servicers, only tow or attempt to tow the correct personal automobile? Please describe and provide any training materials, process guides, or manuals, as appropriate.
  - a. Does DriveTime employ GPS monitors or other similar electronic devices that allow DriveTime to locate a vehicle in the event of repossession? If so, please provide information regarding the use of such devices.
  - b. Does DriveTime employ kill switches or other similar electronic devices, including starter interrupter devices, that allow DriveTime to disable a vehicle in the event of repossession? If so, please provide information regarding the use of such devices.
    - i. Has DriveTime ever used such kill switches or other electronic devices for any purposes other than to complete a repossession?
    - ii. Has DriveTime ever used any other device to remind or encourage consumers to make payments including but not limited to devices that make noise to remind customers to pay?
3. What policies does DriveTime have in place to identify and address repossession made in error?
  - a. If your company identifies an error, what steps are made to rectify that error?
  - b. If your company receives a complaint from an individual that their car was repossessed as the result of an error, how does it address these complaints?
  - c. Does your company provide compensation for any physical damage or monetary costs as a result of repossession made in error? If so, please provide the total number of claims ending in compensation on an annual basis between 2022 and 2025 and the average amount of compensation provided.
  - d. If a consumer believes a repossession to have been made in error, how does DriveTime handle such claims?
  - e. If a consumer makes a complaint or claim that there was a material problem in the underlying transaction, how does DriveTime handle such claims? Provide any policies that govern such incidents.
4. What are currently DriveTime's five largest contracts for auto repossession? Please provide the party name, term of contract, and any material terms to include estimated number of repossession, payment terms, and required actions to avoid errors.

5. Please describe DriveTime's policies and practices for personal property that is in a personal automobile that was repossessed. Please provide any supporting training materials, handbooks, or manuals.

I thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Warren". The signature is fluid and cursive, with "Elizabeth" on the top line and "Warren" on the bottom line, with a small flourish at the end of "Warren".

Elizabeth Warren  
Elizabeth Warren  
Ranking Member  
Committee on Banking,  
Housing, and Urban Affairs