

March 19, 2021

Hon. Mary Ann Shallcross Smith
82 Smith Street
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Via Electronic Mail:

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cc: Hon. Mary Ann Shallcross Smith
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Dear Hon. Shallcross Smith:

Our coalition is unified in opposition to H. 6141, which would allow for unfettered access to the software that governs safety, security and, in the case of engine-powered products, emissions technology on many products manufactured and sold by coalition members. The proposed legislation serves special interests and does not meet the needs of the general public. Furthermore, if enacted, such legislation could pose serious safety, security and environmental risks.

Our industries and customers have a shared desire to minimize downtime and maximize productivity. That is part of the reason why our broad coalition has invested so much capital in cutting-edge proprietary innovations that incorporate the latest technology, training and support for end users. Proponents of so-called "Right to Repair" legislation are advocating unfettered access to the software that governs safety and emissions features incorporated into products sold by coalition members. Giving access to the source code will undermine manufacturers' innovation and intellectual property rights, increase the risk of unlawful tampering that run afoul of applicable safety, security and emission requirements, and pose potential corporate reputational risk due to damage from modifications by untrained service personnel. Modifications also create liability issues for original equipment manufacturers (OEMs), who may remain responsible for the safe and efficient operation of their products. In addition, the proposed legislation puts dealers who subsequently trade-in or refurbish modified equipment for resale, as well as subsequent owners--*who may not even know their equipment is modified*--at risk.

Our coalition members do not believe that proprietary software, developed specifically for the safe operation of equipment that meets strict government regulations, should be used to "legalize" tampering. In 2020, twenty-six (26) states rejected so called "Right to Repair" legislation because of these substantial concerns. We urge you not to take up H. 6141, for consideration, and if it is, we ask you to vote NO. Doing so will protect your constituents from risky equipment modifications that may circumvent safety and environmental regulations and create security risks. You can find more information on the website www.illegaltampering.com.

Sincerely,

Associated Equipment Distributors
Association of Equipment Manufacturers
Deep Southern Equipment Dealers Association
Diesel Technology Forum
Truck & Engine Manufacturers Association
Equipment Dealers Association
Equipment Leasing and Financing Association
Far West Equipment Dealers Association
International Snowmobile Manufacturers Association
Iowa-Nebraska Equipment Dealers Association
IPC
Marine Retailers Association of the Americas
Midwest-Southeastern Equipment Dealers Association
Montana Equipment Dealers Association
National Association of Landscape Professionals
National Hispanic Landscape Alliance

National Marine Distributors Association
National Marine Manufacturers Association
Northeast Equipment Dealers Association
Outdoor Power Equipment Institute
Outdoor Power Equipment and Engine Service
Association
Pioneer Equipment Dealers Association
Portable Generator Manufacturers Association
Power Tool Institute
Professional Grounds Management Society
PRBA - The Rechargeable Battery Association
The Remanufacturing Industries Council
United Equipment Dealers Association
Western Equipment Dealers Association

