

## Testimony in Opposition to S. 2487

Daniel Carey, Director, Government Relations, Polaris Industries  
Senate Judiciary Committee  
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Good afternoon Chairman LaMountain and Committee Members,

My name is Daniel Carey and I am representing Polaris Industries, the leading American Powersports company, and I'm **testifying in OPPOSITION to Senate Bill 2487 (S. 2487) unless amended to remove non-road equipment.**

As currently drafted, the definition of "*digital electronic equipment*" or "*equipment*" means any product that depends for its functioning, in whole or in part, on digital electronics embedded in or attached to the product." As such, S.2487 would encompass our products, including all-terrain vehicles, boats and snowmobiles. While repairs to some products may be quite simple and without personal or public safety considerations, or without concern for regulatory compliance, powersports products like all-terrain vehicles and snowmobiles are complex machines, powered by combustible fuels and subject to complex state and federal safety and emissions regulations.

To the extent consumers wish to make their own routine repairs on our products, Polaris currently provides extensive online DIY resources for their use, in a collaborative effort to make it easier for consumers to perform non-safety, non-emissions related repairs. However, it is our position that some repairs should only be performed by appropriately trained and qualified dealer experts who can execute repairs designed to protect consumers and the public, as well as abiding by existing state and federal standards.

Digital repair legislation has merits, including the reduction of e-waste and reduced product downtimes. However, e-waste is not at issue for non-road products. At the same time, authorized repair providers partnering with non-road equipment manufacturers like Polaris are independently owned small business, and together, we provide both in store repairs, in-field repairs, and more frequently, over the air updates where applicable. Each of these repair alternatives are designed to provide consumers options for repair that best suit their needs, reducing downtimes and inconvenience.

Recently, the states of New York, Oregon, Minnesota and California have considered similar legislation to S.2487 and ultimately passed a right to repair law that fully excludes the off-road industry. The exemption language included in New York, Oregon and Minnesota's right to repair bill is included below for reference and consideration.

It is for the reasons outlined above that I respectfully request an **UNFAVORABLE VOTE on S.2487 today unless amended with the off-road (non-road) language below.** Since I am unable to be there to testify in-person, please do not hesitate to contact me with any questions at [daniel.carey@polaris.com](mailto:daniel.carey@polaris.com).

Thank you very much for your time and consideration of this important consumer protection issue.

***Proposed Off Road (Non-Road) Amendment***

*“Manufacturers, distributors, importers or dealers of all off-road (non-road) equipment, including without limitation, farm and utility tractors, farm implements, farm machinery, forestry equipment, industrial equipment, utility equipment, construction equipment, compact construction equipment, road-building equipment, mining equipment, turf, yard and garden equipment, outdoor power equipment, portable generators, marine, all-terrain sports and recreational vehicles (including racing vehicles), stand-alone or integrated stationary or mobile internal combustion engines, other power sources, (including without limitation, generator sets, electric/battery and fuel cell power), power tools, and any tools, technology, attachments, accessories, components and repair parts for any of the foregoing.”*