

May 2, 2023

**Written Testimony offered on behalf of:
Northeast Equipment Dealers Association
House Commerce Committee**

**Northeast Equipment Dealers Association comments regarding Draft No. 4.1 – H.81
H. 81 - An act relating to fair repair of agricultural equipment.**

Attn: Commerce Committee Clerk Andrew Hegarty: AHegarty@leg.state.vt.us

Chairman Rep. Marcotte, Vice Chair Rep. Jerome, Vice Chair, Ranking Member Rep. Nicoll,
Honorable Members of the House Commerce Committee

Submitted Via Electronic Mail: AHegarty@leg.state.vt.us

Chairman Rep. Marcotte, Vice Chair Rep. Jerome, Vice Chair, Ranking Member Rep. Nicoll,
Honorable Members of the House Commerce Committee

Our association and the member dealers we represent appreciate your consideration and are pleased to see many of our issues addressed in Draft No. 4.1 – H.81. Overall, the legislation looks better but issues remain especially as it relates to illegal tampering of safety and emissions features. Thank you for your work, willingness to listen industry concerns and entertain amendments.

Based on draft N.O. 4.1 we would like to offer the following items for the committee's consideration:

The "findings" developed by the Committee fail to adequately address the emissions obligations that OEMs have under the Clean Air Act, including anti-tampering and useful life requirements. We respectfully suggest that language be added to the findings acknowledging those OEM obligations prior to passage.

Please consider adding language to Definition, Section 4051(7) "Owner" ensuring that lease agreement terms are controlling.

Please consider changing the "Trade Secret" Definition, Section 4051(10) to reference 18 U.S.C. 1839." This will ensure consistency with federal law, including any changes thereto.

Please consider deleting Section 4052(b)(1). If the Committee wishes to retain it, we respectfully ask that the word "substantial" be placed before the word restriction to ensure parity.

Please consider either deleting or amending Section 4052(b)(3). This section is problematic for our industry's ability to maintain compliance with Clean Air Act standards and prevent illegal

tampering with safety systems. The mechanisms are designed to preserve safety and emissions systems not to be an impediment to repair.

Please consider amending Section 4054 (1) and (2). As drafted we believe the provisions include a caveat that modification/disablement of safety and emissions are permitted to effectuate diagnosis, maintenance or repair. As stated above we are unaware of any situations in which modification/disablement of safety or emissions features is necessary to effectuate diagnosis, maintenance, or repair. If the Committee wishes to retain this language, it would be beneficial to add language which ensures there is a clear prohibition on the operation of equipment while the safety or emissions features are modified and/or disabled.

Understanding how complicated and resource intensive building compliance processes and associated delivery systems will be. We respectfully ask that the effective date be moved to July 1, 2025.

Thank you for considering our concerns and suggestions.

Most respectfully yours,

Tim Wentz

Field Director

Northeast Equipment Dealers Association, Inc.