

Testimony to the Vermont House Commerce and Economic Development committee
by Tim Wentz, Field Director, Northeast Equipment Dealers Association, Inc.
April 10, 2018

Regarding:

[S.180 - An act relating to the Vermont Fair Repair Act](#)

Chairman Botzow, Vice-Chairman Marcotte, distinguished members of the House Commerce and Economic Development committee Thank you for the opportunity to speak this morning.

Some of you may remember our association because of our efforts to amend the State's Equipment Dealer Law a few years back. For those members who've not heard of our association, I would like to begin by giving you some background information regarding our association, our advocacy process, and our members.

The Northeast Equipment Dealers Association is a non-profit, member-driven association that is governed and overseen by a dealer-elected board of directors. All our efforts, including our legislative advocacy, are dealer-driven and directed. Our members are a diverse group of equipment dealers who sell everything from all-terrain vehicles, snowmobiles, tractors, combines, harvesting equipment and hand held outdoor power equipment to forestry and heavy construction equipment. I think I speak for all of our member dealers when I say, "The success of their customers is the dealer's highest priority".

We were pleased to see that after thoughtful consideration the Senate elected to make significant changes to S180. We look forward to participating with other stakeholders, legislators, and members of the study committee.

On the surface, Right-to-Repair may seem like a simple problem needing a simple fix. Unfortunately, as with most things, appearances can be deceiving. Modern engines, vehicles, and equipment all contain microprocessors. As the Act was originally drafted, its broad requirements would have applied to virtually all off-highway engine, construction and farm equipment, marine vessel, and stationary generator manufacturers and would have required them to provide firmware/embedded code directly to consumers. More often than not, "that code" is necessary because of requirements of government regulation related to emissions, safety and design and the market place.

Our industry features everything from self-driving tractors, planters and combines to lawnmowers, and has a significant impact on our lives - we eat several times a day, and depend on roads, bridges and other "infrastructure" to work and accomplish our daily tasks.

Innovation is a driving force in our industry; technology enables our customers to compete in the global market place and maximize time and resources to do more with "less".

Customers and independent shops regularly perform repairs outside of the dealership. The equipment industry is committed to enabling that practice to continue, but we cannot support legislation providing for the Right-2-Modify.

We believe enabling unfettered access to controls/embedded code, either directly or remotely, without providing controls for accountability and limits on liability is not in the manufacturer's, dealer's and consumer's best interests. Who will pay the EPA and OSHA fines? Who will pay compensation for operator

injuries, disabilities, and death to include legal and health care? From a dealer's perspective, enabling modifications is a nightmare, particularly from a warranty and liability perspective.

Thank you again for your time today!

Our association and our members are looking forward to continuing the conversation to the benefit of all concerned.

Most respectfully submitted,
Tim Wentz