

Testimony by Tim Wentz,
Field Director, Northeast Equipment Dealers Association, Inc.
February 2, 2018

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

Mr Chairman, members of the Senate Economic Development, Housing and General Affairs Committee.

Thank you for the opportunity to speak this morning. 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. We are governed and directed by a dealer elected board of directors. Our members and directors are a diverse group of equipment dealers who sell everything from all-terrain vehicles, snowmobiles, tractors, combines, harvesting equipment, hand held outdoor power equipment to forestry and heavy construction equipment.

Our legislative advocacy efforts are dealer-driven and directed by our members.

We have significant concerns regarding S.180. The bill as it is drafted would have a substantial impact on our members and customers.

Modern engines, vehicles, and equipment all contain microprocessors. The Act's broad requirements would apply to virtually all off-highway engines, construction and farm equipment, marine vessels, and stationary generators manufacturers to provide firmware/embedded code directly to consumers.

We believe that nonroad equipment and vehicles should not be considered digital electronic equipment subject to the Act. "Right to Repair" initiatives like this legislation are rooted in concerns about access to service information for mass-produced consumer electronics. For our industry, that code is necessary because of requirements of government regulation related emissions, safety and design and the market place.

Innovation is a driving force in our industry; technology enables our customers to compete in the global market place, maximize time and resources. Our industry features everything from self-driving tractors to lawnmowers. 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 interest. Who will pay the EPA and OSHA fines? Who will pay compensation for operator injuries, disabilities, death to include legal and health care?

Customers and independent shops regularly perform repairs outside of the dealership. Like the auto industry, the equipment industry is committed to enabling that practice to continue, but we cannot support legislation providing for the Right-2-Modify. From a dealer's perspective, enabling modifications is a nightmare, particularly from a warranty and liability perspective. As I understand, currently our equipment does not provide the ability to track who made a "modification" and when and am not sure how that could be accomplished.

The success of our customers is our dealers highest priority – their success is our success!

NEDA is opposed to S.180.