

Submitted Electronically

**Written Testimony in Support Of
Amendments To Maine's Automotive Right to Repair Law**

Before The Joint Committee on Housing And Economic Development

By

**Patricia Hanz
of the Truck and Engine Manufacturers Association**

Honorable Co-Chairs Senator Curry and Representative Gere and Members of the Joint Committee on Housing and Economic Development,

The Truck and Engine Manufacturers Association (EMA) represents the Nation's leading manufacturers of commercial and heavy-duty vehicles, internal combustion engines and zero-emission power trains. EMA member companies design and produce vehicles and equipment with a gross vehicle weight rating (GVWR) of greater than 10,000 pounds. Those vehicles and equipment are highly customized to perform a wide variety of commercial functions, including but not limited to interstate trucking, regional freight shipping, intracity pickup and delivery, parcel delivery, refuse hauling, construction, emergency services and public transportation.

EMA supports the clarification of Maine's Automotive Right to Repair Law to exclude commercial vehicles (LD 292, LD 442, LD 1227 and LD 1228) and be limited to vehicles designed for use on roadways for the reasons discussed below.

The differences between the automotive/passenger vehicle and commercial and heavy-duty vehicle (aka "trucks") markets are significant and should not be overlooked nor simplified. The inclusion of commercial and heavy-duty vehicles within the scope of Maine's Automotive Right to Repair law is a solution in search of a problem that does not exist in the commercial and heavy-duty vehicle market and creates significant negative consequences across the commercial trucking and heavy-duty vehicle industry, including large and small manufacturers, fleet owners, small businesses and government entities who rely on commercial and heavy-duty vehicles.

Commercial and heavy-duty vehicles are sold to trucking companies and other entities in business-to-business transactions. They are not simply big cars. Commercial and heavy-duty vehicles are produced in annual volumes of less than five percent of that of passenger vehicles. Passenger vehicles are marketed to consumers for their personal use to carry people and their belongings. Commercial and heavy-duty vehicles are purchased by trucking companies and other businesses and government entities that highly customize the vehicles to suit their specific needs

and functional requirements, selecting components and features from literally hundreds of options. Importantly, commercial and heavy-duty vehicles are not mass produced in an integrated manufacturing process as are passenger vehicles. Commercial and heavy-duty vehicles are, rather, manufactured on a “made-to-order” basis having an engine, transmission and rear axle, each produced and warranted by a different entity.

Most commercial and heavy-duty vehicles are built in multiple stages, with the “vehicle” manufacturer producing an incomplete chassis that must be finished by an independent body manufacturer to become a dump truck, ambulance, bus – or any one of a wide range of vehicle configurations. Many completed commercial trucks and other heavy-duty vehicles have yet another manufacturer who installs equipment like a pump, lift, or crane before the vehicle is put into service. As adopted, the law applies to thousands of small and specialized businesses that install bodies and equipment on those chassis to complete commercial and heavy-duty vehicles. The application of the law to market segments beyond *automobiles* will be devastating to many small bodybuilders in the commercial and heavy-duty vehicle manufacturing chain.

The maintenance and repair of commercial and heavy-duty vehicles is completely different than that of passenger vehicles given that commercial heavy-duty vehicles are custom built and used for commercial purposes. The maintenance and repair of commercial heavy-duty vehicles is performed in a manner that is consistent with the business-to-business nature of the industry. An out-of-service commercial or heavy-duty vehicle is a stranded asset for the business or government entity that purchased it; therefore, manufacturers employ service managers, service engineers, and 24-hour call centers that are singularly focused on getting vehicles back into service as quickly as possible. To efficiently maintain and repair vehicles, many trucking fleets and government entities obtain authorization from the manufacturer to perform their own warranty and service repairs, with access to the same tools and data as a dealership. In addition, it often becomes necessary for commercial and heavy-duty vehicle dealerships to contract with independent repair facilities, that also have access to all the necessary tools and information to complete warranty and service repairs. Commercial and heavy-duty vehicle dealerships frequently cooperate with component distributors to ensure that repairs are properly allocated between component and vehicle service facilities. To keep their businesses profitable, trucking fleets and government entities demand that commercial and heavy-duty vehicles are serviced and repaired as efficiently as possible.

In short, the issues sought to be addressed by the *automotive* right to repair law are not present in the commercial and heavy-duty vehicle industry. The business-to-business relationships between commercial and heavy-duty vehicle manufacturers and operators drives efficient and flexible commercial and heavy-duty vehicle service operations where all parties have access to the tools and data they need to maximize vehicle uptime. The tools and data necessary for maintenance and repairs of commercial and heavy-duty vehicles are already being provided in a well-established structure that includes owners, dealerships and independent repair facilities that, in its current form, the law not only does not recognize but could cause disruptions with significant adverse consequences.

Access to vehicle generated data of commercial and heavy-duty vehicles would increase the risk of particular and serious dangers. Commercial and heavy-duty vehicles use increasingly sophisticated electronic driver assistance systems and comprehensive fleet management telematics

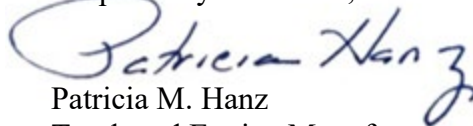
systems. Interference with safety-critical functions like steering, acceleration, and braking of an 80,000-pound tractor-semitrailer combination vehicle could be disastrous, especially if the vehicle is carrying hazardous materials. Additionally, malicious actors are highly motivated to gain access to fleet management telematics to steal trucking business secrets and to enable cargo theft. The Automotive Working Group Report notes significant concerns regarding privacy and cybersecurity of data generated by passenger vehicles, without any evaluation of the greater and more complex issues associated with commercial and heavy-duty vehicles.

Congress and federal regulatory agencies address passenger automobiles and commercial and heavy-duty vehicles separately and differently. Those independent statutory and regulatory approaches exist because of the many distinctions between the two markets described above. A unique approach for commercial and heavy-duty vehicles by the Environmental Protection Agency (EPA) has resulted in very successful heavy-duty engine and vehicle programs to reduce pollutants and greenhouse gas emissions. Similarly, the National Highway Traffic Safety Administration (NHTSA) has highly successful programs to address commercial and heavy-duty vehicle safety. And Congress created the Federal Motor Carrier Administration understanding the need to have an agency that focuses solely on improving the safety of commercial and heavy-duty vehicles and their operations.

EMA requests that the Joint Committee amend Maine's Automotive Right to Repair law to clarify that the law specifically *excludes commercial vehicles* and is limited to *vehicles designed primarily for on-road use* for the reasons discussed above.

We are happy to work with the Joint Committee and Maine Legislature to understand and address any aspect of data availability that is affecting the maintenance and repair of commercial and heavy-duty vehicles, including revision to the existing Heavy Duty Vehicle Memorandum of Understanding. Should you have any questions or need any additional information, please do not hesitate to contact me at (312) 929-1979 or at phanz@emamail.org.

Respectfully submitted,



Patricia M. Hanz

Truck and Engine Manufacturers Association

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LD 442

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