



RE: Written testimony and Opposition to LD 442

Dear Honorable Members of the Committee,

FleetPride respectfully opposes LD 442. FleetPride is the nation's largest distributor of truck and trailer parts and service in the independent commercial heavy-duty aftermarket. We have over 4,700 employees across more than 300 locations in 47 states, including a parts and service center located in Scarborough, Maine. We take great pride in saying, *FleetPride Keeps the Country Running* — because that is exactly what we do. Americans' livelihoods depend upon the goods and services made available by the over nine (9) million vehicles in the commercial trucking industry, which includes vehicles with a gross vehicle weight over 14,000 pounds. From ensuring timely delivery of food and supplies consumers rely upon, to ensuring delivery of the packages they ship, to performing the services they require, the commercial trucking industry plays a vital role in Maine's, as well as the nation's, supply chain. FleetPride's customers include state and local governments, food distributors, health care service and waste management providers, trucking and freight transportation and oil and gas field service providers, retailers, as well as members of the construction, agriculture, transportation and warehousing industries. Each of these relies on the ability to utilize independent mechanics and aftermarket parts to keep commercial motor vehicle maintenance affordable and efficient.

LD 442 is unnecessary and if passed would threaten the will of 84% of the voters in Maine who supported the right to repair ballot question in 2023 (the "2023 Right to Repair Law").

The 2023 Right to Repair Law includes heavy duty and commercial vehicles, ensuring that both large fleets and small businesses can keep their businesses and supply chains running in Maine. There is no difference between the components of a truck and the components of a passenger vehicle for purposes of maintenance and repair data – both trucks and cars generate repair codes that need to be read and acted upon.

While true that commercial trucks have a multitude of applications and configurations, we respectfully submit that the population of providers of maintenance and repair is far less numerous and diverse. Indeed, during its warranty period, a given make of truck – such as a Peterbilt or Freightliner – will be serviced by, respectively, a Peterbilt or Freightliner dealer, regardless of its configuration, application, engine type or any diversity among its other component manufacturers.

The commercial vehicle aftermarket has historically had access to repair and maintenance data necessary to provide service to these and other trucks throughout the remainder of such trucks' useful lives. Advances in technology are raising new challenges for access to in-vehicle data that did not exist previously and present an existential threat to independent shops. Manufacturers are now building proprietary firewalls around their on-board diagnostic systems. This has not, however, served to deprive the dealer network of their ability to repair and maintain these vehicles. Absent access to systems and vehicle data transmitted through telematics, independent repair shops



will be prevented from providing a service countless Americans have relied upon since shortly after the very first truck rolled off the assembly line.

Creating more concentration among the dealer network results in higher repair prices and holds the economy back – right to repair helps independent shops compete for our customers’ business. Beyond ensuring a healthy competitive landscape, right to repair is critical for affordability, accessibility and a vibrant supply chain –

- In terms of affordability, on average, the same repairs performed by dealerships cost considerably more than those done by independent shops – right to repair means lower cost to operate, which means lower prices to consumers.
- In terms of accessibility, being confined to the dealer network restricts access to necessary repairs and maintenance – right to repair ensures commercial trucks have more convenient suitable options.
- In terms of supply chain, backlogged work at dealerships means increased time for completion of repairs – right to repair means trucks can get fixed faster and back on the road sooner.

The 2023 Right to Repair Law provides independent repair facilities with access to critical vehicle diagnostic and repair data, authorized by the vehicle owner, without restrictions imposed by the manufacturers. As a business that relies on a thriving aftermarket for our livelihood, this legislation protects our future.

This law is critically important to our industry because it will afford commercial vehicle owners the ability to more effectively manage repairs and maintenance, improving commercial vehicle uptime. As we have learned in the recent past and continue to learn daily, keeping these commercial vehicles running is imperative to a healthy and robust supply chain, and the right to repair law will ensure that trucks in Maine can continue to operate unimpeded by technological advancements.

In conclusion, we respectfully request that the Committee vote no on LD 442.

Sincerely,

Baron T. Oursler

Baron T. Oursler
SVP, General Counsel