

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

**LD 1911/HB 1227, An Act Regarding Automotive Right to Repair**

**Public Hearing of the Committee on Innovation, Development, Economic Advancement  
and Business**

**May 23, 2023**

Members of the Committee on Innovation, Development, Economic Advancement and Business:

I write to you today on behalf of the Truck and Engine Manufacturers Association (EMA), regarding our concerns with Maine LD 1911/HB 1227, “An Act Regarding Automotive Right to Repair.” EMA represents the world’s leading manufacturers of commercial vehicles and on- and off-road engines used in several applications, including: trucks; buses; construction and farm equipment; locomotives; marine vessels; lawn and garden equipment; and stationary generators.

EMA previously sent a letter and filed written testimony objecting to LD 1677, a bill with a very broad scope, applying to all motor vehicles – including commercial vehicles – requiring the standardization of on-board diagnostic systems and providing access to such systems by owners and independent repair facilities without requiring the authorization of the manufacturer except under limited conditions in addition to requiring the Attorney General to designate an independent entity to establish and administer access to that data and applies to vehicles manufactured as early as 2002 (attached for your convenience). EMA continues to believe that LD 1677 is not implementable.

However LD 1911/HB 1227 addresses many of the concerns expressed by EMA by excluding vehicles greater than 14,000 pounds in recognition that those products are not typical consumer goods and are already covered by existing state and federal laws and manufacturer commitments. EMA believes that this exclusion recognizes the complex and specialized nature of the engines, vehicles and equipment that control critical safety, emissions, and performance systems of these products as described in our letter objecting to LD 1677.

EMA continues to actively monitor digital repair legislation, and notes that LD 1911/HB1227 is consistent with action taken in other states recognizing the significant adverse unintended consequences that would be created in including commercial vehicles and heavy machinery in such legislation by excluding commercial motor vehicles and off road equipment.

Thank you for the opportunity to provide our comments. I would be happy to answer any questions following the hearing at: (312) 929-1979.

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I write to you today on behalf of the Truck and Engine Manufacturers Association (EMA), regarding our concerns with Maine LD 1677, “An Act Regarding Automotive Right to Repair.” EMA represents the world’s leading manufacturers of commercial vehicles and on- and off-road engines used in several applications, including: trucks; buses; construction and farm equipment; locomotives; marine vessels; lawn and garden equipment; and stationary generators.

The bill has a very broad scope, applying to all motor vehicles – including commercial vehicles – requiring the standardization of on-board diagnostic systems and providing access to such systems by owners and independent repair facilities without requiring the authorization of the manufacturer except as specified in the legislation. In addition, the legislation requires the Attorney General to designate an independent entity to establish and administer access to that data and applies to vehicles manufacturer as early as 2002. The inclusion of large, complex vehicles and equipment such as commercial vehicles will create unnecessary confusion, complications, burdens, and risks for Maine users and manufacturers alike. As such, **EMA respectfully requests that any automotive right to repair legislation be amended to expressly exclude all on- and off-highway commercial vehicles and equipment and the engines or motors that power them.** Those products are not typical consumer goods, and are already covered by existing state and federal laws and manufacturer commitments. Further, their inclusion will lead to significant adverse safety, environmental, and security impacts.

As currently written, the bill would allow independent service providers and owners to access and change the microprocessors on engines, vehicles and equipment that control critical safety, emissions, and performance systems. Such digital right to repair legislation simply is not needed for commercial vehicles or agricultural or construction equipment, and creates a solution in search of a problem.

Allowing open, unfettered access to service and diagnostic information will undermine the integrity of the equipment and allow for safety features on heavy equipment – such as braking systems and electronic stability (anti-rollover) controls – to be altered and compromised. Unfettered access also will increase the likelihood that federally mandated emission control systems could intentionally, or unintentionally, (and illegally) be altered or disabled. Such illegal tampering is increasingly occurring today, especially on off-highway equipment and commercial

vehicles, and the U.S. EPA has undertaken a [National Compliance Initiative](#) to respond to the numerous [instances of tampering](#) across the country, some of which include the use of software to alter or disable digitally controlled emission technologies. Tampering contributes substantial excess pollution that harms public health and air quality.

The bill also fails to contain any meaningful safeguards or restrictions that would prevent or mitigate the risk of cybersecurity incidents. The creation of an independent entity charged with managing cyber-secure access is simply not adequate and may increase the impacts of a breach by consolidating the information into a single system. Widespread and unfettered access to service information increases the opportunity for hackers to improperly obtain or tamper with such information – creating enormous cybersecurity risks. This legislation will simply make those efforts easier.

EMA is actively monitoring digital repair legislation, and notes that other states have recognized the significant adverse unintended consequences that would be created in including commercial vehicles and heavy machinery in such legislation and have amended it to exclude commercial motor vehicles and off road equipment.

Lastly, we note that at least some provisions of the legislation appear to apply to vehicles and products manufactured as early as 2002. EMA members believe that these provisions may be not just impractical to implement but may be simply infeasible and is why it is rare for legislation to apply retroactively. In addition, the one year lead time for manufacturers to equip new vehicles with the as yet to be defined standardized platform is infeasible.

For all these reasons, EMA requests that any automotive right to repair legislation be amended to expressly exclude all on- **and** off-highway commercial vehicles, and agricultural and construction equipment and the engines and motors that power. Maine LD 1677 will otherwise create enormous safety, environmental, and security risks and liability exposure for owners and the general public. Finally, the bill will limit the availability – and/or increase the costs – of products sold in Maine, as those products will be forced to have unique characteristics.

Thank you for the opportunity to provide our comments. I would be happy to answer any questions following the hearing at: (312) 929-1979.