



**MOTORCYCLE
INDUSTRY
COUNCIL®**



February 10, 2025

The Honorable Joseph Solomon
Chairman, House Corporations Committee
82 Smith Street
Providence, RI 02903

Re: HB 5159 AMENDMENT REQUEST– Exclude Off-Highway Vehicles

Dear Chairman Solomon:

The Motorcycle Industry Council (MIC)¹, the Specialty Vehicle Institute of America (SVIA)², and the Recreational Off-Highway Vehicle Association (ROHVA)³ represent several hundred companies in the powersports industry. **We urge that HB 5159 be amended to specifically exclude off-highway vehicles from the bill, similar to what Colorado enacted in 2023.** I spoke with Representative Shallcross-Smith last session about the need to exclude OHVs from agricultural equipment right to repair legislation introduced last year (HB 7229).

Motor vehicles are appropriately excluded from most agricultural equipment right to repair legislation, including HB 5159. However, the “electronics-enabled agricultural equipment” definition includes “off-road vehicles.” As a result, off-highway dirt bikes, all-terrain vehicles, and recreational off-highway vehicles (also known as side-by-sides) would be subject to any right to repair provisions intended for agricultural equipment.

Agricultural equipment legislation capturing off-highway vehicles would economically harm Rhode Island franchised dealers, which are primarily small businesses. Dealers have invested heavily in training, special tooling, and equipment to service vehicles. This investment is substantial in terms of both time commitment for training and a monetary commitment for special tools and software. In 2023, the value of the powersports retail marketplace in Rhode Island was \$90 million with an estimated 3,068 new powersports retail sales and 20 powersports retailers in the state.⁴

Serious safety concerns exist relating to the inherent danger of allowing non-factory trained technicians, untrained mechanics, and owners to perform certain work on off-highway vehicles. For example, today’s vehicles are highly computerized with systems that control emissions, stability control, antilock brakes, and a host of other activities. Many of these systems are government-mandated. Untrained individuals tampering with coding could cause vehicle failure, endanger vehicle drivers/riders, and increase emissions in violation of government standards. While your legislation excludes from its repair definition access to

¹ The Motorcycle Industry Council (MIC) is a not-for-profit, national trade association representing several hundred manufacturers, distributors, dealers and retailers of motorcycles, scooters, motorcycle parts, accessories and related goods, and allied trades.

² The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) in the United States. SVIA’s primary goal is to promote safe and responsible use of ATVs.

³ The Recreational Off-Highway Vehicle Association (ROHVA) is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs – sometimes referred to as side-by-sides or UTVs) manufactured or distributed in North America. ROHVA is also accredited by the American National Standards Institute (ANSI) to serve as the Standards Developing Organization for ROVs. More information on the standard can be found at <https://rohva.org/ansi-standard/>.

⁴ Motorcycle Industry Council’s 2023 “Economic Impact of the Powersports Industry”

immobilizer system, security, EPU and ECU and emissions, having access to the system would not necessarily prohibit an individual from tampering with those systems.

Litigation risk is another concern associated with allowing non-factory trained technicians to perform certain work on off-highway vehicles. If environmental or safety override attempts result in clean air violations, destruction of property, personal injury, or death, manufacturers are likely to be swept up in lawsuits, regardless of who may be liable for such damage and injuries.

In 2023, Colorado enacted agricultural equipment right to repair legislation (HB 23-1011) that specifically excluded self-propelled vehicles designed for transportation of individuals or property on a street or highway and powersports vehicles, including off-highway vehicles, from the agricultural equipment right to repair provisions. We urge that the definition of “electronics-enabled agricultural equipment” be amended as follows to specifically exclude off-highway vehicles:

(3) "Electronics-enabled agricultural equipment" or "equipment" means any product, part of a product, or attachment to a product, when sold or leased for use in farming, ranching, or other agriculture, that depends for its functioning, in whole or in part, on digital electronics embedded in or attached to it. The term includes, but is not limited to, a tractor, trailer, combine, tillage, planting, irrigation, or cultivating implement, baler, or unmanned aircraft system, ~~or off-road vehicle~~. Electronics-enabled agricultural equipment or equipment does not include motor vehicles, recreational vehicles as defined in § 31-3.2-1, and does not include consumer electronic devices, including wireless communication devices and computers;

In other states, the sponsor has incorporated these suggested edits into their bills and our associations have withdrawn our opposition. It is inappropriate to include any type of motor vehicle, motorcycle, off-highway vehicle, or recreational vehicle in the scope of legislation designed to address the right to repair of agricultural equipment.

Thank you for your consideration of our comments. Should you have any questions, please contact me at 703-416-0444 ext. 3202.

Sincerely,



Scott P. Schloegel
Senior Vice President, Government Relations

cc: House Corporations Committee Members