

Testimony in Opposition to H. 5159

Daniel Carey, Director, Government Relations, Polaris Industries
House Corporations Committee
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Good afternoon Chair Solomon and Members of the Committee,

My name is Daniel Carey and I'm representing Polaris Industries, the leading American Powersports company, and **I am testifying in OPPOSITION to House Bill 5159 (H. 5159).**

As currently drafted, the definition of "*electronics-enabled agricultural equipment*" or "*equipment*" specifically includes off-road vehicles. This inclusion obligates Polaris to make tools, software, documentation and repair parts for the products we produce in this category, available to owners and independent repair providers, placing consumers at risk by removing the critical safety standards currently in place for their repair and maintenance.

H. 5159 clearly recognizes the need for safety standards, by exempting "*motor vehicles*," a product serviced by authorized and independent repair shops who have widely adopted technician competency standards of the National Institute for Automotive Service Excellence. Like "*motor vehicles*," Polaris' ATVs, UTVs, and snowmobiles are highly complex and subject to rigorous state and federal safety and environmental regulations. Unfortunately, this bill does not exclude our products, therefore failing to support Polaris' goal of consumer protection. H. 5159 as currently drafted would allow untrained owners and independent repair shops to perform repairs that will put the safety of our riders and the environment at risk.

To the extent consumers wish to make their own routine repairs on our products, Polaris already provides extensive online resources for their use, in a collaborative effort to make it easier for consumers to perform non-safety, non-emissions related repairs. However, it is our position that some repairs should only be performed by appropriately trained and qualified dealer experts who can execute repairs designed to protect consumers and the public, as well as abiding by existing state and federal standards.

H.5159 is laudable in its goals but makes potentially dangerous assumptions by codifying the notion that anyone with access to a manufacturer's diagnostic and repair tools is equally competent to repair a UTV as they are a skid steer or combine – and further yet – that the safety of the owner and future owners is assured.

H.5159 fails to provide adequate clarity to ensure the integrity of safety and emissions systems. Specifically, there are significant ambiguities as to the access of these systems for purposes of "repair" and the caveats listed in the trade secrets sections seemingly undermine the stated restrictions related to modification. H.B. 5159 does not consistently define repair as restoration of a piece of equipment to original equipment manufacturer specifications. Instead, it states only that the parts, tools and documentation must enable "fully functionality" in some sections. (See Section 6-60-2(6) – appears to conflict with Section 6- 60-2(13)). A piece of equipment can be fully functional while having safety and emissions systems disabled. Furthermore, the trade secret language erodes federally regulated

protections if those trade secrets are related to repair. H.B. 5159 also fails to reference the federal statutes that govern trade secrets practices across the United States, potentially creating a patch work or conflict between Rhode Island laws and federal standards.

It is for the reasons outlined above that I respectfully request an **UNFAVORABLE VOTE on H.5159** today. Since I am unable to be there to testify in-person, please do not hesitate to contact me with any questions at daniel.carey@polaris.com.

Thank you very much for your time and consideration of this important consumer protection issue.