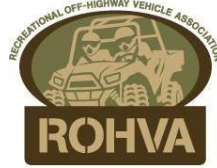




**MOTORCYCLE  
INDUSTRY  
COUNCIL**



February 10, 2025

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

**Re: HB 5246 AMENDMENT REQUEST – Exclude Motorcycles and Off-Highway Vehicles**

Dear Chairman Solomon:

The Motorcycle Industry Council (MIC)<sup>1</sup>, the Specialty Vehicle Institute of America (SVIA)<sup>2</sup>, and the Recreational Off-Highway Vehicle Association (ROHVA)<sup>3</sup> represent several hundred companies in the powersports industry. **We urge that HB 5246 be amended to specifically exclude motorcycles and off-highway vehicles from the scope of the provisions like Colorado, Massachusetts, Minnesota, and New York have done.**

Digital right to repair legislation often includes overly broad requirements for the majority of consumer products, though they usually exempt vehicles. However, HB 5246 does not include any product exceptions. As a result, motorcycles and off-highway vehicles such as dirt bikes, all-terrain vehicles, and recreational off-highway vehicles are thereby subject to the provisions of digital right to repair legislation.

We have serious safety concerns relating to the inherent danger of allowing non-factory trained technicians, untrained mechanics, and owners to perform certain work on motorcycles and off-highway vehicles if they are captured under any digital right to repair legislation. Unlike typical digital electronics such as cellphones, manipulating of powersports emissions or safety controls, whether intentionally or unintentionally, could lead to product failure and even cause injury or death. Manufacturers require dealers to attend regular technical training programs to instruct them on how to use the website and specialty tools and receive highly technical training. This training and knowledge is extensive and vital to ensure the correct repair of the product line.

Digital right to repair legislation capturing motorcycles and 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 their facility. 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.<sup>4</sup>

---

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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/>.

<sup>4</sup> Motorcycle Industry Council's 2023 "Economic Impact of the Powersports Industry"

Litigation risk is another concern associated with allowing non-factory trained technicians to perform certain work on motorcycles and off-highway vehicles. If environmental or safety override attempts result in clean air violations, destruction of property, 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, New York (AB 7006 and SB 4104) and Minnesota (SF 2744), and in 2024, Colorado (HB 1121) enacted digital right to repair legislation that specifically excluded both motorcycles and off-highway vehicles from the digital right to repair provisions. We urge that HB 5246 be amended to exclude motorcycles and off-highway vehicles in a similar manner:

*6-61-5. Limitations.*

*(f) Nothing in this chapter shall apply to motor vehicle manufacturers, any product or service of a motor vehicle manufacturer, or motor vehicle dealers, or to manufacturers, distributors, importers, or dealers of any off-road (non-road) equipment, including but not limited to, all-terrain sports and recreational vehicles (including racing vehicles).*

Sponsors of similar bills in other states have also incorporated these suggested edits. It is inappropriate to include any type of motor vehicle, off-highway vehicle, and recreational vehicle in the scope of a law designed to address the digital right to repair of consumer electronics, and we respectfully request that the legislation exclude these vehicles.

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  
Motorcycle Industry Council  
Specialty Vehicle Institute of America  
Recreational Off-Highway Vehicle Association

cc: House Corporations Committee Members