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May 8, 2026

The Honorable Zack Fields, Chair
The Honorable Carolyn Hall, Vice-Chair
House Committee on Labor & Commerce
Alaska State Capitol
120 4th Street
Juneau AK 99801

RE: HB 162 Digital Right to Repair Act

Dear Chair Fields, Vice-Chair Hall and Members of the Committee:

Thank you for the opportunity to explain why TechNet respectfully opposes HB 162, which your committee will be considering.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over 4.5 million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

TechNet understands and appreciates the goal behind right-to-repair legislation. Consumers should have reasonable options when it comes to repairing their devices, and we recognize the growing interest among policymakers in ensuring that products can be serviced in a timely and affordable manner. TechNet especially appreciates the challenges that many remote Alaskans have with access.

One of the most significant concerns with HB 162 is the extraordinary breadth of the legislation. While right-to-repair proposals considered in other states have generally focused on consumer electronic devices—and in some cases agricultural equipment—HB 162 adopts a definition of "digital product" that is substantially broader than legislation enacted elsewhere in the United States or internationally.

Under the bill, a "digital product" includes any product that depends "in whole or in part" on digital electronics embedded in or attached to the product. As drafted, this language could extend well beyond consumer devices such as phones and laptops and potentially encompass industrial machinery, energy infrastructure, water systems, transportation systems, and other technologies tied to critical infrastructure and public safety.

TechNet is concerned that applying a consumer-oriented repair framework to these types of systems raises important operational, cybersecurity, and consumer safety considerations that have not been fully addressed in the legislation.

During deliberations in the House Community & Regional Affairs Committee, proponents referenced the European Union's (EU) right-to-repair framework as a model. However, the

EU's approach is significantly narrower and more targeted than HB 162. The EU framework primarily applies to categories such as consumer electronics, household appliances, televisions, displays, vacuum cleaners, smartphones, and certain data storage products. Importantly, the EU did not adopt an open-ended definition broad enough to potentially capture critical infrastructure systems or a wide array of industrial technologies.

Likewise, states that have enacted right-to-repair laws have generally tailored those laws to specific categories of consumer products. As currently drafted, HB 162 would place Alaska far outside the mainstream of existing right-to-repair policies and make the state a significant outlier nationally.

TechNet is also concerned the legislation lacks important consumer protection guardrails that are commonly included in other repair frameworks. For example, the bill does not require independent repair providers to disclose whether replacement parts are original equipment manufacturer parts, aftermarket parts, or refurbished components. Nor does the legislation establish transparency requirements related to repair costs, technician qualifications, training, certifications, or the handling and protection of a consumer's personal data during the repair process.

These omissions could unintentionally expose Alaska consumers to unnecessary risks involving device integrity, cybersecurity, data privacy, and repair quality.

In addition, HB 162 does not incorporate the "fair and reasonable terms" framework commonly found in other state right-to-repair laws. In many states, manufacturers are only required to provide documentation, tools, and parts to the same extent those materials are made available to authorized repair providers and under fair and reasonable terms. Those provisions help balance consumer repair access with important intellectual property, cybersecurity, and safety protections.

TechNet appreciates the committee's interest in improving repair access for consumers, particularly given the unique geographic challenges many Alaskans face. If Alaska wishes to explore policies that expand repair options for consumer electronic products, TechNet will respectfully recommend considering language developed by TechNet and the Consumer Technology Association (CTA). This model legislation provides a more carefully tailored framework that supports consumer repair options while also preserving important safety, cybersecurity, and intellectual property protections.

For these reasons, TechNet respectfully urges the committee not to move HB 162 forward as it is currently drafted. We would welcome the opportunity to work with the committee and other stakeholders to develop a more targeted and workable approach.

Thank you for your consideration.

Sincerely,

Rose Feliciano
Executive Director
Washington + Northwest

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April 30, 2026

VIA E-MAIL
House Labor & Commerce Committee
Alaska House of Representatives
Alaska State Capitol
120 4th Street
Juneau, AK 99801

Re: Opposition Unless Amended to Alaska HB 162

Co-Chairs Fields and Hall and Honorable Members of the House Labor & Commerce Committee:

The Truck and Engine Manufacturers Association (EMA) opposes AK HB 162 and testified in opposition to its companion bill AK SB 111/112. While the legislation is described as a Digital Right to Repair Bill, for which a Model State Bill is available to properly scope the legislation to apply to personal consumer electronic devices, HB 162 is rather, a broad bill that attempts to apply the right to repair concept to a myriad of commercial products for which a legislative solution is simply not needed and will create issues between owners, service providers and manufacturers and create new risks to public health and safety.

EMA represents the world's leading manufacturers of commercial vehicles as well as on- and off-road engines used in applications such as trucks; buses; construction and farm equipment; locomotives; marine vessels; landscaping equipment; and stationary generators.

While the proposed "Digital Right to Repair Act" might seem innocuous, in fact it would create significant adverse unintended consequences to the products manufactured by EMA's members, as such requirements would provide unfettered access to change the microprocessors on engines and equipment that control critical safety, emissions, and performance systems. Legislation enabling such access is potentially dangerous and simply is not needed. Manufacturers already provide access to the diagnostic, maintenance and repair information needed to repair the vast majority of repairs. Manufacturers have programs available in which daily, weekly, monthly and yearly information can be provided to independent repair facilities and owners. In addition, it appears to prohibit manufacturers from charging for diagnostic, maintenance and repair documentation and software – essentially requiring manufacturers to give away technology which they have spent significant resources to develop.

EMA member products and the engines they power are often used in rural and remote settings. As a result, over the decades manufacturers have established a service network which includes independent dealers and owners/operators to help keep these vehicles and equipment working. EMA met with the Sponsor to better understand the issues he is attempting to address with this bill. While we certainly understand some of the frustrations expressed by Senator Dunbar, the Sponsor of SB 111, some of the issues raised by the Senator in the Senate hearing are simply driven by geography and found in a wide range of service industries ranging from mail

delivery to medical and emergency services. The bill does not resolve the challenge created by geography - it is simply expensive and logistically challenging to provide parts and services in rural and remote settings.

The major manufacturers of agricultural equipment entered a Memorandum of Understanding with the American Farm Bureau Federation in 2023 which documents the arrangement under which access will be provided and the obligations and responsibilities of the signatories. Importantly, there is a continuing commitment to meet on a regular basis to assess the MOU and update it based on operational concerns or technological advancements. The parties to the MOU have met 4 times since its inception to review and update the implementation details. In addition, there is a public website on which ANY owner/operator may file a complaint and, to date, few complaints have been filed. Those that have been filed have been quickly resolved. These are clear indications that the MOU is working to make legislation unnecessary.

Repairing large, complex, and specialized products manufactured by EMA members require highly trained and skilled personnel, who are qualified to properly use service and repair information. Allowing untrained individuals and the public to have unfettered access to service information to is dangerous and unnecessary. Further, it will undermine the integrity of the equipment and allow for safety features on agricultural equipment – such as braking systems and electronic stability (anti-rollover) controls – to be altered and compromised. Unfettered access also will increase the likelihood that untrained personnel will intentionally or unintentionally, and illegally, alter or disable federally mandated emission control systems. Such illegal tampering is increasingly occurring today, especially on off-highway equipment. Tampering contributes substantial excess pollution that harms public health and air quality. The U.S. EPA has undertaken a National Compliance Initiative to respond to the numerous instances of engine tampering across the country, some of which include the use of software to alter or disable digitally controlled emission technologies. Further, a listing of those cases that have been resolved is also available on EPA's website. In addition to safety and emissions concerns, allowing access to software that controls federally regulated systems also exposes owners and operators to both civil and criminal liability for tampering. The U.S. Department of Justice's Energy and Natural Resources Division announced a consent decree and settlement of one such case, resulting in $3.1 million in criminal fines and civil penalties for the sale of devices designed to delete emissions controls.

Further, proposed repair legislation consistently fails to contain meaningful safeguards or restrictions that would prevent or mitigate the risk of cybersecurity incidents. Widespread and unfettered access to service information increases the opportunity for hackers to improperly obtain or tamper with such information – creating enormous cybersecurity risks. Legislation to make those efforts easier is ill advised and unnecessary. The "open access platform" envisioned by the legislation simply does not exist. The cybersecurity risk and the risk associated with the broad ability to remotely access and send commands that control equipment critical safety systems has been recognized by federal agencies including the National Highway Traffic Safety Commission (NHTSA).

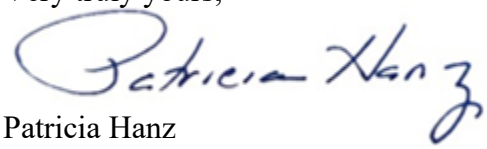
EMA and its members support and have worked with regulatory agencies (including U.S. EPA) to develop programs to expand the availability of service and repair information to <u>qualified</u> independent service repair personnel. Those programs and regulations include safeguards and restrictions needed to mitigate the risk of the unfettered release of safety and emissions control

tools and other proprietary information. Such regulations also provide the same set of requirements across the country, in contrast to legislation that would mandate special state-based requirements that, if enacted, would actually hurt Alaskan businesses.

For all these reasons, EMA has serious concerns with the proposed "Digital Right to Repair Act". Such requirements otherwise will create enormous safety, environmental, and security risks and liability exposure for owners and the public and will limit the availability – and/or increase the costs – of products sold in Alaska, as those products will be forced to have unique characteristics.

Thank you for the opportunity to provide our Written Testimony. If you have any questions or need additional information, please do not hesitate to contact me at: phanz@emamail.org, (312) 929-1979.

Very truly yours,



Patricia Hanz

Attachment: Model Digital Equipment Bill

cc: Representative Dan Saddler
Representative Julie Coulombe
Representative David Nelson
Representative Ashley Carrick
Representative Zack Fields

MODEL DIGITAL REPAIR BILL – CTA/TECHNET

Section 1. Definitions. For the purposes of this bill, the following terms shall have the following meanings:

(a) "Authorized repair provider" means an individual or business who has an arrangement with the original equipment manufacturer, for a definite or indefinite period, under which the original equipment manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the purposes of offering the services of diagnosis, maintenance, or repair of digital electronic equipment, under the name of the original equipment manufacturer, or other arrangement with the original equipment manufacturer to offer such services on behalf of the original equipment manufacturer.

(b) "Diagnosis" means the process of identifying the issue or issues that cause digital electronic equipment or equipment to not be in fully working order.

(c) "Digital electronic equipment" means any hardware product that depends, in whole or in part, on digital electronics embedded in or attached to the product in order for the product to function, for which the original equipment manufacturer makes available tools, parts, and documentation to authorized repair providers

(i) "Digital electronic equipment" only includes items sold at retail for personal, household, family, or home office use, and does not include any product sold under a business-to-government or business-to-business contract that is not typically offered for sale directly by a retail seller**.**

(ii) "Digital electronic equipment" does not include:

(A) Information technology equipment that is intended for use in critical infrastructure as defined in 42 U.S.C. § 5195c(e).

(B) A motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in such capacity, or to any product or service of a motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in such capacity.

(C) A medical device, as defined in this section, or a digital electronic product found in a medical setting including diagnostic, monitoring, or control equipment or any product or service that they offer.

(D) A manufacturer, distributor, importer, or dealer of any off-road (non-road) equipment, including but not limited to, farm and utility tractors, farm implements, farm machinery, forestry equipment, industrial equipment, utility equipment, construction equipment, compact construction equipment, mining equipment, turf, yard and

garden equipment, outdoor power equipment (including portable generators), aviation, marine, all-terrain sports and recreational vehicles (including racing vehicles), stand-alone or integrated stationary or mobile internal combustion engines, other power sources (including without limitation, generator sets, electric/battery and fuel cell power), power tools, and any tools, technology, attachments, accessories, components and repair parts for any of the foregoing.

(E) Commercial and industrial electrical equipment (including power distribution equipment, such as telecommunications network infrastructure, commercial visual display equipment, medium/low voltage switchgear and transformers, power control equipment, such as medium/low voltage motor control and drives, power quality equipment, such as uninterruptable power supplies, remote power panels, power distribution units and static/transfer switches) and any tools, technology, attachments, accessories, components, and repair parts for any of the foregoing.

(F) An electronic bicycle manufacturer, distributor, importer, retailer, or dealer.

(G) A home appliance that has a digital electronic product embedded within it, including, but not limited to, refrigerators, ovens, microwaves, air conditioning, heating units, motorized shades, lighting control systems, and security devices or alarm systems, including any related software and components.

(H) Safety communications equipment, the intended use of which is for emergency response or prevention purposes by an emergency service organization, such as a police, fire, or medical and emergency rescue services agency.

(I) [A video game console, and its components and peripherals].[1]

(iii) "Digital electronic product" only includes products that have a wholesale price to the retailer, or to others outside of direct retail sale, of not less than fifty dollars ($50).

(d) "Documentation" means any manual, diagram, reporting output, service code description, or similar kind of information, or its equivalent, required for effecting the services of diagnosis, maintenance, or repair of digital electronic equipment, and made available by the original equipment manufacturer to an authorized

[1] Some states (CA and MN) have incorporated an exclusion for video game consoles. CTA is neutral on an exclusion for video game consoles.

repair provider for the purpose of effecting the services of diagnosis, maintenance, or repair of digital electronic equipment manufactured or sold by the original equipment manufacturer.

(e) "Fair and reasonable terms" means making available parts, tools, or documentation as follows:

(i) With respect to documentation required for repair, that such documentation is made available by the original equipment manufacturer on terms that are not conditioned on an arrangement described in section (1)(a) of this bill, and at no charge, except that, when the documentation is requested in physical printed form, a charge may be included for the reasonable actual costs of preparing and sending the copy.

(ii) With respect to tools, that such tools are made available by the original equipment manufacturer (i) on terms that are not conditioned on an arrangement described in section (1)(a) of this bill, and without any impediments that do not also apply to authorized repair providers to access or use the tool to diagnose, maintain, or repair digital electronic equipment using parts provided by the original equipment manufacturer, and (ii) at no charge for use or operation of such tool, or at costs that are equivalent to the lowest actual cost for which the original equipment manufacturer offers the tool to an authorized repair provider, including any discount, rebate, or other financial incentive offered to an authorized repair provider, and provided that when such tool is requested in physical form, a charge may be included for the reasonable, actual costs of procuring, preparing and sending such tool.

(iii) With respect to parts, that such parts are made available by the original equipment manufacturer, either directly or through an authorized distributor or repair provider, subject to the clarification in Section 2(d)(xii) of this bill that parts may be provided as pre-assembled components in certain circumstances, at reasonable costs and on terms under which an OEM offers the part to an authorized repair provider and that are not conditioned on an arrangement described in section (1)(a) of this bill.

(iv) Such parts tools, and documentation shall be made available on commercially reasonable terms that are fair to all parties, including the original equipment manufacturer and authorized repair providers.

(f) "Independent repair provider" means an individual or business operating in this State, that does not have an arrangement described in section (1)(a) of this bill with an original equipment manufacturer, who is not affiliated with any individual or business who has such an arrangement, and who is engaged in the services of diagnosis, maintenance, or repair of digital electronic equipment.

(g) “Maintenance” means any act necessary to keep currently working digital electronic equipment in fully working order.

(h) “Medical device” means an instrument, apparatus, implement, machine, contrivance, implant, or other similar or related article, including a component part, or accessory, as defined in the federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 321(h), which is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in humans or other animals.

(i) “Modification” or “modify” means any alteration to digital electronic equipment that is not maintenance and not a repair.

(j) “Motor vehicle” means a vehicle that is designed for transporting persons or property on a street or highway and is certified by the manufacturer under all applicable motor vehicle federal safety and emissions standards and requirements for distribution and sale in the United States.

(k) "Motor vehicle dealer" means an individual or business who, in the ordinary course of business, is engaged in the business of selling or leasing motor vehicles to an individual or business pursuant to a franchise agreement, has obtained a license under the vehicle and traffic law, and is engaged in the services of diagnosis, maintenance, or repair of motor vehicles or motor vehicle engines pursuant to such franchise agreement.

(l) "Motor vehicle manufacturer" means a business engaged in the manufacturing or assembling of motor vehicles.

(m) “Original equipment manufacturer” means any business that, in the normal course of business, is engaged in the business of selling, leasing, or otherwise supplying new digital electronic equipment manufactured by or on behalf of itself, to any individual or business.

(n) “Owner” means an individual or business that owns or leases digital electronic equipment purchased or used in this State.

(o) “Part” or “parts” means any replacement part or assembly of parts, either new or used, or their equivalents, made available by an original equipment manufacturer to an authorized repair provider for purposes of effecting the services of maintenance or repair of digital electronic equipment manufactured or sold by the original equipment manufacturer. Part does not include printed circuit board assemblies that may allow device cloning in violation of 18 U.S.C. Section 1029 or other applicable law.

(p) "Repair" means any act necessary to restore digital electronic equipment or equipment to fully working order. “Repair” does not encompass post-sale

modifications that alter the originally intended functioning of the digital electronic equipment.

(q) "Tool" means any software program, hardware implement, or other apparatus, or its equivalent, which is made available by an original manufacturer to an authorized repair provider, and that is used for diagnosis, maintenance, or repair of digital electronic equipment manufactured or sold by the original equipment manufacturer, including software or other mechanisms that provide, program, or pair a new part, calibrate functionality, or perform any other function required to repair the original part.

(r) "Trade secret" means anything tangible or intangible or electronically stored or kept that constitutes, represents, evidences, or records intellectual property, including secret or confidentially held, designs, processes, procedures, formulas, inventions, or improvements, or secret or confidentially held scientific, technical, merchandising, production, financial, business, or management information, or that falls within the meaning of a trade secret given in 18 U.S.C. § 1839.

Section 2. Requirements for original equipment manufacturers.

(a) For digital electronic equipment that is manufactured for the first time, and first sold or used in the State, on or after the date that is one year after this bill becomes law, an original equipment manufacturer shall make available to any independent repair provider and owner of digital electronic equipment manufactured by or on behalf of or sold by such original equipment manufacturer, on fair and reasonable terms, any documentation, parts, and tools, or their equivalents, that are required for the diagnosis, maintenance, or repair of such digital electronic equipment and that the original equipment manufacturer makes available to an authorized repair provider.

(i) Such documentation, parts, and tools may be made available either directly by an original equipment manufacturer or via an authorized repair provider or an authorized third-party provider, though nothing in this bill requires third-party providers (including authorized repair providers) themselves to provide such parts, tools, and documentation.

(ii) Such documentation, parts, and tools may be further made available by an authorized repair provider to any independent repair provider or owner, provided that such authorized repair provider is contractually and practically permitted by the original equipment manufacturer to sell such parts, tools, and documentation to any independent repair provider or owner.

(b) Such parts, tools, and documentation shall be made available within one year after the first sale of the digital electronic product in [name of State].

(c) The obligations in this bill apply only to parts, tools, and documentation provided to authorized repair providers for diagnosis, maintenance, and repair of digital electronic equipment outside of the original equipment manufacturer's warranty, and do not encompass parts, tools, and documentation provided by the original equipment manufacturer only for in-warranty repairs.

(d) Notwithstanding any other provision of this bill, nothing in this bill shall:

(i) Require an original equipment manufacturer to provide or make available a part, tool, or documentation to any repair provider or owner, if:

(A) the part, tool, or documentation is not, or is no longer, provided by the original equipment manufacturer or made available to authorized repair providers of the original equipment manufacturer, including where the original equipment manufacturer performs related repairs solely in-house or through a corporate affiliate;

(B) the part, tool, or documentation is no longer available to the original equipment manufacturer;

(C) the documentation or tool is used by the original manufacturer itself only to perform, at no cost, diagnostic services virtually through telephone, internet, chat, email, or other similar means that do not involve the manufacturer physically handling the customer's equipment, unless the manufacturer also makes the documentation or tool available to an individual or business that is unaffiliated with the manufacturer.

(ii) Require an original equipment manufacturer to divulge any trade secret, including documentation that includes, but is not limited to, schematics and bill of materials involving printed motherboards, or license any intellectual property, including copyrights or patents, to any independent repair provider or owner.

(iii) Require an original equipment manufacturer or an authorized repair provider to provide an independent repair provider or owner any information, other than "documentation" as defined herein, that is provided by the original equipment manufacturer to an authorized repair provider.

(iv) Require an original equipment manufacturer or authorized repair provider to make available any parts, tools or documentation for the purposes of modifying or making modifications to any digital electronic equipment.

(v) Require any original equipment manufacturer or authorized repair provider to make available any parts, tools, or documentation in a manner that is inconsistent with or in violation of any federal or state law.

(vi) Require an original equipment manufacturer to make available parts, tools, or documentation to an independent repair provider or owner that would disable, reset, or override electronic security locks or other security-related measures or functions, or disable or override anti-theft security measures set by the owner of the digital electronic equipment.

(vii) Prevent original equipment manufacturers from restricting access to certain secure parts of a device from independent repair provider or owner access, provided that it does not prevent independent repair providers from completing repairs that can be completed by authorized repair providers.

(viii) Prevent original equipment manufacturers from requiring remote authorization or an internet connection before independent repair providers or owners may use such parts or tools.

(ix) Prevent an original equipment manufacturer from establishing reasonable training and certification programs for repair providers and requiring ongoing certification to these programs as a condition for receiving parts, tools, and documentation.

(x) Prevent an original equipment manufacturer from requiring that independent repair providers and owners agree to reasonable commercial terms, including disclosures regarding the use of non-genuine or used parts.

(xi) Abrogate, interfere with, contradict, or alter the terms of any agreement between an original equipment manufacturer and an authorized repair provider, including, but not limited to, the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer pursuant to such an authorized repair agreement, except that any provision in such an authorized repair agreement that purports to waive, avoid, restrict, or limit an original manufacturer's compliance with this bill shall be void and unenforceable.

(xii) Prevent an original equipment manufacturer from providing parts, such as integrated batteries, to independent repair providers or owners pre-assembled with other parts rather than as individual components, provided that those pre-assembled parts or their equivalents are also available to authorized repair providers.

(xiii) Require an original equipment manufacturer to provide parts, tools, or documentation for any product where reconditioning or repair of the product is prohibited by law, regulation, or building or electrical code.

(xiv) Require an original equipment manufacturer to provide or make available source code.

(xv) Require an original equipment manufacturer to provide parts, tools, or documentation for repair of digital electronic equipment critical to the safety of life or health of individuals, or for repairs that could threaten the safety of life or health of individuals, including repairs to digital electronic equipment with internal switch-mode power supplies.

(xvi) Require an original equipment manufacturer to provide documentation or tools used exclusively by the original equipment manufacturer for diagnosis, maintenance or repairs completed by machines that operate on several digital electronic equipment products simultaneously or otherwise for purposes of large scale efficiency, if the original equipment manufacturer makes available to owners and independent repair providers sufficient alternative documentation and tools to effect the diagnosis, maintenance, or repair of the digital electronic equipment.

(xvii) Apply to a product that was originally made available for sale by the original equipment manufacturer before the effective date of this bill.

(e) This bill shall not apply if the manufacturer provides to the original purchaser either one of the following:

(i) a reimbursement; or

(ii) equivalent or better, readily available replacement digital electronic equipment at a price that is no more than the total cost of the sum of the parts.

Section 3. Limitation of liability.

(a) No original equipment manufacturer or authorized repair provider shall be liable for any damage or injury to any digital electronic equipment, person, or property that occurs as a result of repair, diagnosis, maintenance, or modification performed by an independent repair provider or owner, or any other use of parts, tools, or documentation provided by an original equipment manufacturer, including but not limited to, any indirect, incidental, special or consequential damages; any loss of data, privacy or profits; or any inability to use, or reduced functionality of, the digital electronic equipment.

(b) No original equipment manufacturer shall be liable under this bill for any act that is reasonably necessary to protect user privacy, security, or digital safety.

(c) Original equipment manufacturers shall not be required to warrant any repairs provided by independent repair providers or owners.

(d) No original equipment manufacturer shall be liable for improper use of personal data or any data privacy or security breach in connection with repair, diagnosis, maintenance, or modification performed by an independent repair provider or owner.

Section 4. Notice and consumer bill of rights.

(a) Before repairing digital electronic equipment, independent repair providers shall provide to any customer, and publish on their website and the place of business, a written notice that contains the following information:

(i) The independent repair provider is not an authorized repair provider for the digital electronic equipment;

(ii) The consumer should review the terms and conditions of any warranty for the digital electronic equipment, as repairs not performed by an authorized repair provider may affect the warranty;

(iii) Warranties for consumer products are governed by the federal Magnuson-Moss Warranty Act (15 U.S.C. ch. 50 § 2301), which gives consumers rights and protections that apply over conflicting provisions in the warranty;

(iv) Under the Magnuson-Moss Warranty Act, a warranty cannot require that maintenance and repairs be performed only by an authorized repair provider;

(v) Under the Magnuson-Moss Warranty Act, if damage to equipment is shown to be caused by equipment not offered or sold by the original equipment manufacturer or by faulty repair performed by a non-authorized repair provider, that damage may not be covered by the warranty, but the warranty may otherwise remain in effect; and

(vi) All required disclosures as outlined in Section 4(b) below.

(b) Consumer bill of rights. The below requirements shall apply to all independent repair providers that conduct repairs of digital electronic equipment covered by this bill using documentation, tools, or parts provided by original equipment manufacturers pursuant to this bill.

(i) Independent repair providers are required, prior to the repair of such digital electronic equipment, to disclose to consumers in writing and obtain a written acknowledgment of the following:

a. For each instance of service provided, what parts, if any, were not provided or produced by the original equipment manufacturer, the name of the parts provider, and any complaints about the quality of

such parts that the independent repair provider knows or has reason to know;

b. If used parts are to be used during the repair, the duration and type of the part's previous use;

c. The total anticipated cost of the repair, including the itemized cost of parts and labor;

d. Whether the technician performing the repair is certified or has completed training to repair such digital electronic equipment, including whether the technician has undergone training required by the original equipment manufacturer to ensure safe and effective repairs;

e. Whether the repair procedure is in compliance with any applicable building or electrical code;

f. That there is a risk of damage to digital electronic equipment during the repair, including but not limited to damage to battery life or software functionality;

g. That there is a risk of physical harm to the consumer from an improper repair, including but not limited to increased risk of digital electronic equipment fire from faulty battery installation; and.

h. Any exposure of the consumer's personal data that may be involved in the repair, including access to personal data by independent repair provider's staff, and the protections that the independent repair provider will take to safeguard personal data.

(ii) Independent repair providers are required to keep documentation of all repairs, including whether such repairs involved parts not provided or produced by original equipment manufacturers, and provide such documentation to consumers once repairs are completed.

(iii) Independent repair providers are required to submit, to any publicly accessible registry of such repairs, certain data regarding all digital electronic equipment repairs performed without original equipment manufacturer authorization. Such data must include the make, model, serial number, date of repair service, and summary of service performed, but not any personal data regarding the consumer.

a. As an alternative to compliance with this Section 4(b)(iii), for any repair performed by an independent repair provider without original equipment manufacturer authorization, independent repair providers must permanently attach a notice of repair containing their own brand

name to the digital electronic equipment, with the brand name in a size no smaller than the brand of the original equipment manufacturer.

Section 5. Enforcement.

(a) The Attorney General shall have exclusive authority to enforce the provisions of this bill. Subject to Section 5(b), the Attorney General may initiate an action in the name of the State to seek an injunction to restrain any violations of this bill, and seek to obtain any relief that the Attorney General is authorized to obtain under [State UDAP statute].

(b) Prior to initiating any action under this bill against any individual or business, the Attorney General shall provide the individual or business 30 days' written notice identifying the specific provisions of this bill the Attorney General alleges have been or are being violated. If within the 30-day period the individual or business cures the noticed violation and provides the Attorney General an express written statement that the alleged violations have been cured and that no such further violations shall occur, no action shall be initiated against the individual or business. Written notice by the Attorney General shall be delivered by certified mail and by first-class mail with proof of mailing. If an individual or business continues to violate this chapter following this cure period or breaches an express written statement provided to the Attorney General under this Section 5(b), the Attorney General may initiate an action as described in Section 5(a).

(c) Nothing in this bill shall be construed to create an individual or private right of action, or to provide the basis for, or be subject to, an individual or private right of action for violations of any parts of this bill, including under any other law.

Section 6. Effective date. This bill shall take effect one year after it shall have become a law and shall apply only to digital electronic equipment that was manufactured for the first time, and first sold or used in the State, on or after the date that is one year after this bill becomes law.

Submitted Electronically

Letter of Opposition Unless Amended to Alaska HB 162: Digital Product Repair

Alaska House Labor and Commerce Committee

May 4, 2026

Chairs Fields and Hall and other Honorable Members of the House Labor and Commerce Committee:

The Engine Technology Forum (ETF) is an educational organization that represents manufacturers of internal combustion engines such as gasoline and diesel engines, vehicles, machines and equipment and their components as well as both petroleum and renewable biofuel producers.

Through original research, education, and fact-based outreach, we seek to expand the broader understanding about the benefits and advancements in advanced internal combustion engines, technologies, and fuels as well as their significance to our economy and how they help achieve clean air and climate goals. You can learn more about us on our website enginetechforum.org.

We are writing to express our opposition to HB 162 unless amended. Like the members we represent, ETF is concerned that broad Right to Repair (RTR) legislation applied to advanced engines and equipment can facilitate tampering with emissions control systems and other safety-critical functions. These activities are likely in violation of the federal Clean Air Act (CAA) and would jeopardize Alaska's air quality and public health—particularly in communities where equipment operates for long hours in close proximity to people.

HB 162 is framed around "products that use digital electronics to operate." We respectfully urge the Committee to recognize that advanced engines and large equipment are not "regular electronics." Modern off-road/non-road equipment integrates sophisticated, safety-critical embedded software (electronic control units, sensors, and diagnostics) that is designed, validated, and updated as an integrated system to (1) keep engines in compliance with the CAA and certified emissions configurations, (2) protect operators and bystanders through safety interlocks and controlled operating modes, and (3) protect equipment and data through cybersecurity and anti-theft features. Unlike typical consumer electronics, changing calibrations or disabling software-based protections can directly affect braking/traction behavior, speed/torque limits, thermal protections, regeneration and aftertreatment performance, and other functions with real-world safety and emissions consequences.

To avoid definitional ambiguity and unintended application to engine-powered equipment, Alaska should explicitly codify a comprehensive "off-road/non-road equipment" exclusion. This approach would align with the way other states have tailored RTR laws by focusing on consumer digital

products while excluding heavy equipment and non-road engine applications that raise distinct emissions, safety, and cybersecurity concerns. ETF respectfully requests adoption of an amendment using the following exclusion language:

"Manufacturers, distributors, importers, or dealers of all off-road (non-road) equipment, including without limitation, farm and utility tractors, farm implements, farm machinery, forestry equipment, industrial equipment, utility equipment, construction equipment, compact construction equipment, road-building equipment, mining equipment, turf, yard and garden equipment, outdoor power equipment, portable generators, marine, all-terrain sports and recreational vehicles (including racing vehicles), stand-alone or integrated stationary or mobile internal combustion engines, other power sources (including without limitation generator sets, electric/battery and fuel-cell power), power tools, and any tools, technology, attachments, accessories, components, and repair parts for any of the foregoing."

Thank you for your time and consideration of this request for a technical amendment. We welcome the opportunity to be of resource to the committee or answer any questions or concerns you may have on this or related matters.

Sincerely,

Kara Gundel
Senior Director, Public Policy
Engine Technology Forum
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Engine Technology Forum

May 7, 2026

The Honorable Zack Fields and Carolyn Hall
Members, Alaska House Committee on Labor and Commerce

Re: Electronics Manufacturers Opposition to HB 162

Chair Fields, Chair Hall, and Members of the Committee:

On behalf of the hundreds of manufacturers and businesses our coalition represents, we respectfully oppose HB 162. This legislation would mandate original equipment manufacturers (OEMs) of digital electronic equipment sold or used in Alaska to provide independent repair providers with diagnostic and repair information, software, tools, and parts – but without requiring any of the critical consumer protections afforded by authorized repair networks and their self- service repair offerings, such as training and competency certification, and putting at risk protections manufacturers have built in for consumer data privacy and security. Without any vetting process for qualified repair facilities, the potential for consumer harm is significant and undermines the innovations manufacturers have developed to protect customers. Additionally, we have concerns that this legislation would assist in establishing a "patchwork" of repair legislation in the states, thus creating a burdensome and contradictory compliance regime for members of our industry. Over the years, we have made a direct attempt to work with advocates on numerous occasions to develop a national memorandum of understanding, but our efforts have been repeatedly rebuffed. It appears their preference is to relitigate this issue on a state-by-state

basis, which will inevitably result in a costly, confusing, and onerous compliance patchwork.

Our organizations represent a broad spectrum of manufacturers of consumer electronics, security equipment, toys, lithium-ion batteries, and other connected electronic products, as well as companies that rely on the secure operation of these devices. All of these companies stand behind the quality of their products. Our members develop products and services for a wide range of commercial, government, and consumer users. Their customers depend on these products to operate safely, securely, and accurately, whether they are being used to support banking and commercial transactions, transmit and store sensitive personal data, support industrial operations, medical applications, or securely offer and deliver entertainment and other services. As businesses, government agencies, and consumers continue to increase their reliance on connected devices to help deliver efficiency, convenience, and services, it is important to remain vigilant and focused on mitigating the risks associated with the safe and secure operation of those products.

HB 162 mandantes that OEMs treat any independent repair provider in much the same way as authorized network providers or those who use the self-repair offerings – but without any contractual protections, requirements, or restrictions. In doing so, the bill places consumers and their data at risk, undermines the business of Alaska companies that are part of OEM-authorized networks, and stifles innovation by putting hard-earned intellectual property in the hands of hundreds, if not thousands, of new entities. Further, the bill fails to account for the wide range of repair and refurbishment options currently available to Alaska consumers from both OEM-authorized and independent repair stores. It also does not address advancements in sustainability by electronic product manufacturers.

For these reasons, we urge the committee against moving forward with this legislation without addressing these identified issues.

HB 162 harms consumer security.

One of our chief concerns with this legislation is its potential to weaken the privacy and security features of various electronic products. The security of user information on these products is of the utmost importance to consumers that rely on them. Computers, tablets, and smartphones are at risk of hacking, and weakening of the privacy and security protections of those products will increase risks to consumers. With access to technical information, criminals can more easily circumvent security protections, harming not only the product owner but also everyone who shares their network. In an era of sophisticated cyberattacks, we should not make it easier for criminals to hack security provisions.

Forcing OEMs to provide unauthorized repair facilities with information on how to bypass consumers' safety locks presents unacceptable risks to consumers' data privacy. A recent study found that privacy violations already occur when consumers seek computer or phone repairs. Without the contractual safeguards created by authorized repair networks that allow OEMs to hold bad actors

accountable, HB 162will create new opportunities for snooping repair technicians to access and copy consumers' personal data.

HB 162 harms consumer safety.
Manufacturers offer authorized repair networks to provide consumers with assurance that their products are serviced by properly trained and vetted repair professionals who have the necessary skills to repair electronic products safely and reliably.

Most consumer technology products are comprised of complex electronics which require specialized training and sophisticated test instruments to repair safely. Some types of repairs can be extremely detailed, complicated, and dangerous to anyone without proper training. It is particularly important that products containing high-energy lithium-ion batteries are repaired only by trained professionals who understand and mitigate the hazards associated with installing, removing or replacing these batteries. In January 2021, the U.S. Consumer Product Safety Commission released a consumer safety warning that rechargeable lithium-ion battery cells, when they are "loose" and not installed in a device or part of an integral battery, are "potentially hazardous to consumers when handled, transported, stored, charged, or used to power devices" and "can overheat and experience thermal runway, igniting the cell's internal materials and forcibly expelling burning contents, resulting in fires, explosions, serious injuries and even death."

Manufacturers want to ensure that their products are serviced by professionals who understand the intricacies of their products and have spent time procuring the knowledge necessary to safely repair them and return them to consumers without compromising those standards or undermining the safety and security of their products. Authorized repair networks not only include training requirements but also have the technical skills and test instruments to verify that repair parts meet all necessary performance and safety specifications. Consumers can be protected by warranties or other means of recourse. The legislation provides no such protections for consumers, repair shops, or manufacturers.

When an electronic product breaks, consumers have a variety of professional repair options, including using an OEM's authorized repair network, which often include local repair service providers as well as mail-in and even in-house repair options for some categories of products. Consumers may also choose to use one of many independent repair providers; although they do so without the quality assurance provided by using a manufacturer's authorized network provider. The point is that the free-market economy provides a wide range of consumer choice for repair with varying levels of quality, price, and convenience without mandates imposed by the legislation.

Manufacturers' authorized networks of repair facilities guarantee that repairs meet OEM performance and safety standards. If an OEM's brand and warranty are to stand behind repair work and assume product liability, it is only reasonable that the repair facility demonstrates competency and reliability. Without the training and other quality assurance requirements of authorized

service providers, manufacturers would not be able to stand behind their work, warranties, technical support, ongoing training, and business support.

HB 162 mandates the disclosure of protected proprietary information.
Manufacturers make significant investments in the development of products and services, and the protection of intellectual property is a legitimate and important aspect of sustaining the health of the vibrant and innovative technology industry. However, HB 162 puts at risk the intellectual property that manufacturers have developed.

Consumer electronics' on-board software (i.e., firmware) are key to the functioning and operation of the hardware it is embedded in, and firmware helps protect against unauthorized access to other software and applications. That software is subject to copyright under federal law, and Section 1201 of the Digital Millennium Copyright Act, a related federal law, ensures that bad actors cannot tamper with the digital rights management that copyright owners use to protect this software. The problem is that making repairs to hardware components may require the circumvention of digital rights management and leave the software in an unprotected state – harming the copyright owners of the software.

Firmware controls many other product functions, so opening it up for repair purposes exposes other more sensitive functions, such as security features, to potential tampering. Given the scope of products covered and what must be provided under the legislation – including diagnostics, tools, parts, and updates to software – it is highly likely some of the information would be proprietary. Providing unauthorized repair facilities and individuals with access to proprietary information without the contractual safeguards currently in place between OEMs and authorized service providers places OEMs, suppliers, distributors, and repair networks at risk.

HB 162 fails to account for advancements in sustainability by electronic product manufacturers.
The bill is partly based on an inaccurate assumption that it will aid in the reduction of electronic waste in the state of Alaska. According to a recent study by Yale and Rochester Institute of Technology researchers, e-waste generation in the U.S. peaked in 2015 and is in a period of extended decline (see "Electronic Waste on the Decline, New Study Finds"). This trend is corroborated by recent data from the U.S. Environmental Protection Agency whose data shows consumer electronics as the fastest declining part of the municipal solid waste stream.

Electronic product manufacturers have developed robust policies and programs to ensure that they are continuously improving the sustainability of their products for their whole lifecycle, from design to material sourcing, product performance, reuse, and responsible end of life management.

This has led to continued innovation and the use of new technologies which provide consumers improved devices while simultaneously reducing the overall amount of e-waste generated – all under the existing product repair

environment. Plus, with new technologies like OLED and additional lightweighting across the electronics industry, additional declines in e-waste generation are expected to continue during the coming decades.

Repair and reuse are important elements of electronics manufacturers sustainability efforts. Not only is repair and reuse in the OEM's best interest so that consumers can continue to enjoy their products, but many OEMs are returning still-useful electronic products to active service to get the maximum benefits out of the resources used to make them.

Additionally, under revised "green" procurement standards, federal agencies and other purchasers will be required to purchase computers that meet certain environmental performance criteria under the Electronic Product Environmental Assessment Tool (EPEAT) rating system. These existing policies and programs promote repair and reuse without the consumer safety, security or business being compromised.

Conclusion

Thank you for considering our perspective on this complicated issue. Our members bear a significant responsibility to the businesses, governments, and individual consumers that depend on us to protect the safety and security of their electronic products, as well as the sensitive data that they contain. We are committed to working with you to promote digital privacy and security, while resisting unwarranted intervention in the marketplace with one-size-fits-all mandates that compromise consumer safety and protection. Many of the members of our coalition have already taken measures to ensure consumers have numerous options for repairing their devices and appliances. The industry is evolving in a positive manner. For those reasons, we oppose HB 162.

Sincerely,

Repair Done Right Coalition

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May 5, 2026

House Labor and Commerce Committee
Alaska State House
Juneau, Alaska 99801

The Passenger Vessel Association (PVA) -- the national trade association representing owners and operators of commercial U.S.- flagged passenger carrying vessels of all types, as well as companies that produce products for these vessel – writes to express its concern about the broad scope of HB 162, the Digital Right to Repair Act.

PVA has 17 vessel-operating members based in or serving Alaska.

The bill applies to a manufacturer of a "digital product" which means a product that depends for its functioning, in whole or in part, on digital electronics embedded in or attached to the product. PVA believes that this broad definition would encompass the manufacturer of modern, large marine engines for commercial passenger-carrying vessels.

The electronic components of commercial marine engines contain security features to guard against unauthorized entities that might seek to "hack" a vessel's operation while underway. In addition, other electronic features are designed to reduce air emissions.

It would not be desirable, and might even be dangerous, if inadequately trained people access and inadvertently disable these features of commercial marine engines.

PVA hopes that the broad scope of HB 162 can be adjusted so that the legislation does not cover commercial marine engines.

Thank you for your consideration,

R.M. Patch

Richard Patch
Legislative Director
Passenger Vessel Association

DATE: May 8, 2026
TO: House Labor and Commerce Committee
FROM: The Entertainment Software Association
RE: House Bill 162, Right to Repair -OPPOSE UNLESS AMENDED

Dear Chair Fields and Members of the House Labor and Commerce Committee:

The Entertainment Software Association (ESA) is the U.S. trade association representing the publishers of computer and video games for play on consoles, personal computers, mobile devices, and the Internet. The video game industry is a key economic sector that creates jobs, develops innovative technology, and keeps the United States competitive in the global marketplace. Not only do 75 percent of United States households have at least one gamer in their home, but our industry has a footprint that creates jobs in every state.

ESA asks that this committee exempt video game consoles from the scope of any digital right to repair proposals due to concerns that permitting console access to independent repair providers, over whom we have no oversight, could result in the modification of hardware and firmware that could compromise the vital security features that provide a secure environment for the playback of copyrighted games. While the majority of repair shops would likely not use the provided tools and documentation for any illegal purposes (e.g., removal of security features), it would only take a few bad actors sharing information on social media for this bill to have a rapid and severely detrimental impact on the industry. Similar legislation that passed in other states, California and Minnesota in 2023; Colorado and Oregon in 2024; and Connecticut, Texas, and Washington in 2025 recognized the significant threat posed and the importance of copyright protection to video game consoles by exempting consoles from the scope of their laws. ESA's exemption contains a narrowly-tailored definition of video game console to ensure only the intended products are excluded from the scope of this legislation. The definition that was agreed upon in the other states is outlined below for your reference.

A "Video Game Console" means a computing device, such as a console machine, a handheld console device, or another device or system, and its components and peripherals, that is primarily used by consumers for playing video games but which is neither a general nor an all-purpose computer. A general or all-purpose computer includes, but is not limited to, a desktop computer, laptop, tablet or cell phone.

ESA is also concerned with Right to Repair proposals which fail to specifically address copyright protection and potential conflicts with well-established technologies to protect intellectual property. ESA video game console makers employ digital locks designed to protect their game consoles and provide a secure media environment for players and other video game publishers and developers. These protections, known as technological protection measures ("TPMs"), are so critical to copyright holders that they have been protected by international treaties since 1996. Since then, over 100 countries have implemented protection for TPM in their own laws. Moreover, in October 2021, the U.S. Copyright Office (the "Office"), in the context of statutorily

mandated administrative rulemaking, reviewed whether TPMs can be circumvented for the purpose of repairing consumer electronics. As in earlier rulemakings, the Office stated that video game consoles are unique in the consumer electronics marketplace because of the valuable copyrighted content available to play on them and that there is a real threat of piracy if game console TPMs were modified. Given the circumstances, the Office recommended that a very limited exemption should be adopted that would allow circumvention *only* to repair broken optical drives on consoles *and* that the circumvented TPMs must be restored to their original functionality after repair of those optical drives.

In addition to the Copyright Office, the Federal Trade Commission (FTC) has also acknowledged that video game console makers and game publishers rely on the content protection systems built into consoles to protect against sophisticated piracy efforts. In fact, in its report, "Nixing the Fix: An FTC Report to Congress on Repair Restrictions" ("FTC Report" or "Report"), the FTC recognized that protecting intellectual property ("IP") rights benefits consumers and that regulation regarding repair restrictions cannot be one-size-fits-all. Indeed, the Report makes a special effort to recognize that IP rights play a valuable role in encouraging and rewarding innovation, and that "any action taken by industry or regulators to enable independent repair should seek input from such entities (i.e., the U.S. Copyright Office) and other stakeholders and be mindful of existing law and policy supporting IP protection." Accordingly, if adopted, broad Right to Repair laws would reverse established Copyright Office and FTC precedent, with potentially harmful unintended consequences to consumer and company protections.

Finally, ESA is also concerned that Right to Repair proposals may be burdensome and unnecessary, as ESA console makers' success depends on consumers having reliable, versatile, and engaging platforms on which to play video games and enjoy digital content. For that reason, ESA's video game console makers —Microsoft, Nintendo, and Sony—are committed to providing consumers with repairs that are quick, reliable, and secure. In addition, they also offer a variety of repair options for consoles that include repair services beyond the warranty period to ensure that their consoles remain in good working order

We appreciate the opportunity to provide testimony and your consideration of our concerns regarding Right to Repair legislation in Alaska. We would be happy to follow up with any additional information as needed.

Sincerely,

Andrew O'Connor
Director, State Government Affairs
Entertainment Software Association

May 1st, 2026

House Committee on Labor and Commerce
State Capitol Room 124
120 Fourth Street, Juneau, AK 99801

Re: H.B. 162: Digital Right to Repair – Oppose

Dear members of the House Committee on Labor and Commerce,

The Marine Retailers Association of the Americas (MRAA) and the National Marine Manufacturers Association (NMMA) would like to thank you for the opportunity to provide feedback on H.B. 162 as written. While we understand the intent of this legislation to expand repair options for consumers, we respectfully ask the Committee to oppose this bill due to significant safety and compliance concerns that could negatively impact the marine industry.

The Marine Retailers Association of the Americas (MRAA) is the leading trade association of North American small businesses that sell and service new and pre-owned recreational boats and operate marinas, boatyards, and accessory stores. MRAA represents more than 1,300 individual member retail locations and conducts advocacy efforts on their behalf, including 12 members located in Washington State.

The National Marine Manufacturers Association (NMMA) is the premier trade association for the U.S. recreational boating industry, representing nearly 1,300 marine businesses, including recreational boat, marine engine, and accessory manufacturers. Our members are often U.S.-based small businesses, many of which are family owned. NMMA members collectively manufacture more than 85 percent of the marine products sold in the U.S. Furthermore, the recreational boating industry has a $230 Billion impact on the nation's economy and in communities across the country, with 812,000 American jobs across 36,000 U.S.-based marine businesses. In Washington State alone, NMMA represents 24 members with recreational boating contributing $8.1 Billion in annual economic impact.

Boating is a major part of Alaska's history and continues to be one of the most favorite pastimes in the state today among both residents and visitors alike. There are more than 46,000 registered boats in the Last Frontier, which support a vibrant and growing outdoor recreation economy. In Alaska, recreational boating alone supports over 3,000 jobs at more than 300 businesses and ultimately contributes $747.4 million to the state economy annually. Simply put, boating means business throughout Alaska.

While we do not question the intent of H.B. 162, we are concerned that its broad language could inadvertently undermine important safety emissions and compliance standards essential to the safe operation of marine

vessels. If passed as written, this legislation would provide unauthorized access to software, specialized tools, and mechanical, electrical, safety, and emissions features that are integral to marine engine and electronic products. Unrestricted access to such information could compromise safety features crucial for navigation and the safe operation of a vessel, like radar, GPS, and engine management systems.

Additionally, we do not oppose a consumer's right to make repairs on their equipment, and in fact many of our members work with their customers to provide the required parts and train them to do simple repairs on their boats independently. We do, however, oppose providing access to the proprietary code of the products our members sell due to concerns of safety, emissions, compliance, and product reliability. Providing this level of access to untrained individuals would negatively affect the products' compliance with federal safety, security, and emission standards. Not only is there a risk of putting consumers and the boating public in danger, but marine manufacturers are also required by U.S. Environmental Protection Agency (EPA), under 40 CFR 1068.50to ensure "adjustable parameters"[1] are unable to be tampered with by unauthorized technicians, ensuring engines maintain their safety and emissions protocols.

However, the extent of that access is strictly limited by the EPA and the Clean Air Act. To comply with Clean Air Act and meet EPA mandates, recreational marine engine manufactures cannot provide access to pollution control devices. In guidance issued on Nov. 23, 2020, by Susan Parker Bodine, EPA Assistant Administrator for Enforcement and Compliance Assurance, tampering with emission controls is a federal offense. Manufacturers are the gatekeepers. They must ensure that access to the software controlling an engine's emissions only be made available to those who can be expected to adhere with Clean Air Act mandates and to keep emission tolerances within federally required levels. Original Engine Manufacturers must limit access to these highly regulated sections of software to factory-trained and certified technicians, and even then, some access points are only available to representatives of the manufacturer. As Ms. Bodine states in the official guidance:

> "*Section 203(a)(3) of the [Clean Air] Act prohibits tampering with emissions controls and prohibits making and selling products with a principal effect of bypassing, defeating, or rendering inoperative emissions controls. The prohibitions in section 203(a)(3) apply to all vehicles, engines, and equipment subject to the certification requirements under section 206 of the Act, or other design requirements in the Act or regulations. This includes… nonroad vehicles (e.g., all-terrain vehicles, off- road motorcycles) and nonroad engines (e.g., marine engines, engines used in generators, lawn and garden equipment, agricultural equipment, construction equipment). Certification requirements include those for exhaust or "tailpipe" emissions, evaporative emissions, and onboard diagnostic systems."*[2]

H.B. 162 must account for federal anti-tampering requirements as well as emissions and safety standards.

Furthermore, marine manufacturers and dealerships have invested millions of dollars in educating and training their technicians and obtaining certifications that qualify them to properly service their products. Marine manufacturers put their confidence in certified dealers and technicians to maintain a given engine through its lifetime. This legislation stands to possibly undercut this important aspect of marine dealer's businesses while potentially putting consumers and customers at risk.

For these reasons, MRAA and NMMA oppose H.B. 162 and respectfully urge you to protect the boating industry in Alaska State by opposing H.B. 162.

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[1] eCFR :: 40 CFR 1068.50 -- Adjustable parameters.

[2] Bodine, S. (2020, November 23). Memorandum: EPA Tampering Policy: The EPA Enforcement Policy on Vehicle and Engine Tampering and Aftermarket Defeat Devices under the Clean Air Act. United States Environmental Protection Agency. Washington D.C.

Thank you for your time and the consideration of our request. Please contact me, at Chad@mraa.com if you should have any questions.

Sincerely,

Chad Tokowicz
Government Relations Manager
Marine Retailers Association of the Americas

Emily Villanueva
Western Government Relations Manager
National Marine Manufacturers Association

ASSOCIATION OF HOME APPLIANCE MANUFACTURERS

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AHAM.ORG

TESTIMONY

JOHN KEANE
MANAGER OF GOVERNMENT RELATIONS

ON BEHALF OF
THE ASSOCIATION OF HOME APPLIANCE MANUFACTURERS

BEFORE THE ALASKA STATE LEGISLATURE
HOUSE LABOR & COMMERCE COMMITTEE

HEARING
HB 162
DIGITAL RIGHT TO REPAIR ACT

MAY 5, 2026

Co-Chair Fields, Co-Chair Hall and members of the House Labor & Commerce Committee, thank you for the opportunity to share the view points of the home appliance manufacturing industry regarding the potential impacts of the concept of right to repair, HB 162.

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM's membership includes over 150 companies throughout the world. AHAM members employ tens of thousands of people and produce more than 95% of the household appliances that are shipped for sale within the United States. The home appliance industry, through its products and innovation, is essential to consumer lifestyle, health, safety and convenience. Home appliances also are a success story in terms of energy efficiency and environmental protection. The purchase of new appliances often represents the most effective choice a consumer can make to reduce home energy use and costs.

AHAM believes that so-called "Right to Repair" concepts that are part of HB 162 are overly broad. A basic reading of the definition of "Digital Product" can be interpreted to include the home appliance industry and, therefore, raises serious questions that AHAM strongly urges the Committee to carefully consider.

Home appliance manufacturers know how much consumers rely on their products to make their lives easier and more comfortable. Thus, manufacturers work hard to make appliances that last longer and perform better and to ensure their customers are satisfied not only at the time of purchase, but throughout a product's useful lifetime. Accordingly, manufacturers have a vested interest in ensuring repairs are accessible, reliable, and safe. This includes ensuring that consumers have access to highly educated, trained and certified repair technicians.

Home appliance manufacturers not only ensure that authorized repair providers are properly trained and certified, manufacturers also take necessary precautions so that when a repair provider enters a private home that the home owner as well as the property are safe and secure. The fact that repair providers enter consumers' homes to conduct appliance repairs presents a different set of circumstances regarding the repair of digital electronic equipment.

HB 162 comes into conflict with important industry doctrines:

Safety

Safety is a top priority for AHAM members. The industry designs appliances that are as safe as they are useful and consumers recognize this commitment. Today there are more than 860 million appliances in use largely without incident and 93 percent of consumers believe home appliance manufacturers do a good job in providing safe and quality appliances. Moreover, another 85 percent understand that safety policy is a top priority for the industry. For that reason, repairs that present safety risks are the exception to the general rule that materials needed for home appliance repair can easily be obtained by contacting the manufacturer or visiting the manufacturer's website, depending on the complexity of the repair. The primary reason that HB 162 is of concern to the home appliance industry is the broad safety concerns presented by the legislation. There

are three principal safety concerns that these bills present: product safety, consumer safety and property safety.

Product Safety

HB 162 requires that manufacturers make all diagnostic and repair documentation available to independent third parties or equipment owners. Today, home appliances contain highly advanced operating systems that use high currents of electricity, gas, flammable substances, high speed motors, and have hermetically sealed systems that can come into contact with water and moisture. Product and consumer safety are top of mind for home appliance manufacturers. Available service and repair options are, therefore, dependent not only on the type of product but also on the qualifications necessary to perform the particular repair.

Manufacturers develop diagnostic tools for certified engineers who have the educational and technical background and training necessary to troubleshoot, diagnose and conduct repairs to the appliance. A right to repair concept would broadly expand the universe of technicians that could access diagnostic tools and information. Also, manufacturer authorized servicers are typically required to perform repairs with manufacturer authorized parts that have been tested and qualified to meet the reliability and safety requirements of the home appliance product. Opening up the repair process to any third party services will loosen the control in this area significantly and could have a considerable impact on the safety and reliability of the product. In addition, manufacturers control the software used for service technicians. Without proper training, significant damage to the appliance and the home can occur if these tools are improperly used.

Because appliances operate using electricity, gas, water, filtered air, flammable substances, and high-speed motors, they undergo vigorous safety testing to ensure they meet applicable safety standards. Furthermore, appliances are designed to be in compliance with electrical, building, and plumbing codes as well as clean air and radiation emitting device regulations. It is critical that repairs do not jeopardize compliance with applicable safety and other standards, codes, and regulations.

Most appliance products are required by National Electric Code as well as other applicable building/mechanical codes to be listed or certified under applicable North American Safety Standards (such as Underwriter Laboratories or UL standard). These safety standards ensure a product and all of its components will operate in a safe and reliable manner. Right to Repair evades many of the safety provisions that Underwriters Laboratory (UL) and others test against.

For example:

<u>Underwriters Laboratory North American Dryer Safety Standard (UL2158/CSA 22.2 no. 158)</u>
This UL safety standard has safety requirements such as motor overload protection, door/lid opening or temperature limiting. These requirements were put in place to mitigate risks of electrical shock, injury or fire. Manufacturers often design the electronic controls which are embedded into either hardware or software and often both work together systematically to ensure the system operates safely and meets the UL requirements. To ensure the safety critical

functionalities are reliable, both the hardware and software of these controls are certified to applicable safety standards (i.e. UL60730 or UL60335 or specific requirements of the product safety standard). These standards have rigorous requirements to test and validate the required safeguards. The standards are stringent to the point that any design or manufacturing changes to these components by a manufacturer often requires recertification by a Nationally Recognized Testing Laboratory (NRTL) to the applicable standard in order to ensure that the required safety functionality has not been compromised.

Underwriters Laboratory (UL) North American Washer Safety Standard (UL2157/CSA 22.2 no 169)
High efficiency (HE) washers employ electronic lid switches to ensure that no one can access the rotating basket while it is spinning very fast. These switches are often controlled by the Electronic control, which monitors the lid switch signal and employs a braking mechanism to stop the basket from spinning if a user opens the lid. The same components are also utilized for other functional and safety requirements. Diagnosing and repairing a similar HE washing machine requires an in-depth understanding of the full system which authorized servicers are given as part of their training. An untrained servicer may employ a repair using a non-OEM part or incorrect connections can compromise the whole system that may result in a potential safety issue and/or performance degradation.

Notably, many certifications are required by state / province regulations, as well as applicable Federal laws. Accordingly, any professional servicer must meet these requirements. Thus, they do not present a barrier to becoming authorized. Manufacturers simply ensure their affiliated servicers meet the applicable requirements, giving consumers further peace of mind that their repairs will be conducted safely and correctly. Below is a summary of typical required certifications:

Certification	Description
EPA Section 608 Technician Certification	Section 608 of the Clean Air Act requires certification for technicians who maintain, service, repair, or dispose of equipment that could release ozone-depleting refrigerants into the atmosphere
North American Technician Excellence Certification (NATE)	Certification for handling heating, ventilation, air conditioning and refrigeration (HVACR) technicians
National Appliance Service Technician Certification (NASTec) (International Society of Certified Electronics Technicians (ISTEC))	NASTeC is a voluntary national certification program for technicians who service major home appliances.
Red Seal Program (Canada)	The Red Seal, when affixed to a provincial or territorial trade certificate, indicates that a tradesperson has demonstrated the

	knowledge required for the national standard in that trade

Today, modern appliances contain sophisticated and technologically advanced electronics and internal controls that are uniquely designed and programmed for specific products. These electronics and internal controls contain safety features (both software and hardware) that are relied upon for the safe operation of the appliance. Manufacturers often invest substantial resources to ensure diagnostic tools are impervious to failure and tampering by the manufacturers own agents, the manufacturer will employ software and Information Technology tools specific to its agents to guarantee the service. The same cannot be ensured once these tools are opened up to unaffiliated third party servicers. It could be detrimental to the inherent safety of the appliance if access were to be granted in the public domain where defeating any of these features (either intentionally or inadvertently) could happen during diagnostics and repair, which could then create potential safety hazards to the consumer. The repercussions not only jeopardize the life of the product but may also leave the consumer worse off than before either with a new malfunction or a product rendered unsafe due to a repair conducted improperly or with the wrong parts.

For example, the home appliances industry is constantly innovating and advancing our products in order to deliver optimum solutions to consumers, which are energy efficient and continually better for the environment. Newer refrigerant gases that are non-ozone depleting and have very low global warming potential are an example. Comprehensive training is required in order for a technician to handle and conduct repairs on systems that contain different types of refrigerant. Mixing refrigerant types can be problematic and dangerous. An older product designed to operate with R134a gas refrigerant does not have the appropriately designed relays and electrical mechanical components for the newer R600a refrigerant. R600a gas is a flammable refrigerant gas that has positive attributes to reduce climate change and has started to be added to new refrigeration products in the U.S. market. It is critical that technicians are properly trained to identify which product utilizes which gas and how the gas is properly handled to ensure the utmost safety.

Authorized servicers can be directly trained and tools provided to 1) allow technicians to understand the systems included on every model and 2) repair those products appropriately. The same concerns hold true for the manipulation of LPG and natural gas in cooking products, dryers and water lines and the appropriate manipulation of 110V and 220V electrical connections. If not properly installed, leaks and overheating can occur.

Property Safety

Appliance repairs when not performed correctly can be the cause of property damage, e.g., flooding and fires. Insurance claims as well as increases in homeowner's insurance premiums could result if independent third parties improperly perform in-home repairs. Additionally, in the event of significant property damage and/or personal injury, the manufacturer could face legal claims.

Manufacturers, in general, have process and procedures in place that track repairs completed through their servicer network. This allows the manufacturer to create traceability of repairs for their customers/consumers and is one of the critical factors if fire or another sort of property damage were to occur. Opening up this domain to third-party servicers, inhibits the ability for manufacturers to track any repairs made to home appliance products and has the potential to create issues in determining liability if the source of the repairs cannot be readily identified. Traceability is also important because improper repair or servicing can be a cause of appliance fires. Finally, this assists insurance companies and other entities if the incident requires investigation.

Consumer Safety

The nature of appliance repairs requires repair technicians to enter the homes of consumers. In-home safety and security is of paramount importance to appliance manufacturers and we assume the same holds true for independent service technicians. Manufacturers who certify technicians may require extensive background checks as well as drug screening, and as previously mentioned technical and safety training. AHAM members identified two areas in which a repair business must be in good standing to earn affiliation, both equally critical. These include (1) business requirements, and (2) business capacity to support the affiliated brands. These requirements are detailed further in the below tables.

Business Requirements			
Manufacturer / brand certification course State / provincial / federal certifications for all technicians	Proof of insurance (liability, workers compensation), Better Business Bureau accredited	Annual user / service agreement for certification	Business License Tax ID Personnel background checks Business credit check

Conclusion

Thank you for the opportunity to present this written statement to the hearing record. Right to Repair concepts raise serious safety, cyber-security and contractual concerns for the home appliance manufacturing industry. AHAM strongly urges that this Committee reconsider whether or not legislation is in the best interests of Alaska consumers.

Evan Anderson

From: Matt Zieminski <mattz@ifixit.com>
Sent: Friday, May 8, 2026 1:41 PM
To: House Labor and Commerce
Subject: Support for HB 162: Digital Product Repair

Co-Chairs Himschoot and Mears, and Members of the House Community and Regional Affairs Committee,

My name is Matt Zieminski, and I am writing in support of HB 162 in my capacity as Vice President of Partnerships at iFixit.

At iFixit, we work directly with manufacturers, repair providers, and consumers to make repair more practical, safe, and accessible. We partner with leading technology companies to publish repair documentation, distribute genuine parts and tools, and help people fix the products they already own. From that perspective, HB 162 addresses a real and persistent problem: too often, repair is not limited by skill, safety, or consumer choice. It is limited by whether a manufacturer *chooses* to make the necessary parts, tools, and information available.

That matters everywhere, but it matters especially in Alaska.

When a product breaks in a remote community, the cost of repair is not just the price of a part. It can mean shipping delays, long travel distances, lost work, avoidable replacement costs, and products being discarded long before the end of their useful life. A repair framework that works in a dense urban market does not always work for Alaskans. HB 162 gives owners and independent repair providers a fair chance to solve ordinary repair problems locally.

I also want to address several concerns raised by opponents of the bill.

First, right to repair is not a demand for unsafe modification, trade secret disclosure, or unrestricted access to every system in every product. A well-structured repair law is about access to the same practical materials needed for diagnosis, maintenance, and repair that manufacturers already provide within their own authorized repair networks. Repair is not the same thing as modification. Fixing a broken screen, replacing a battery, diagnosing an error code, or installing a genuine replacement part should not require a consumer to use only the manufacturer's preferred channel.

Second, safety and security should be taken seriously, but they should not be used as a blanket veto over repair. Consumers already rely on independent technicians for cars, appliances, phones, computers, farm equipment, and countless other products. The right answer is not to block repair access; it is to preserve appropriate safeguards while ensuring that lawful repair remains possible. If a manufacturer can safely provide a tool or procedure to an authorized provider, the burden should be on the manufacturer to explain why the same repair cannot be safely supported outside that closed network.

Third, voluntary agreements and private programs are not a substitute for enforceable rights. Some manufacturer programs are useful, and iFixit participates in many voluntary repair partnerships to enable

repair for end-users. But voluntary access can be changed, narrowed, delayed, or withdrawn. Consumers and repair businesses should not have to depend on goodwill alone to fix products they own. HB 162 creates a baseline expectation: when repair materials exist, owners and independent repair providers should have fair access to them.

Fourth, concerns about a “patchwork” of state laws should not be a reason for Alaska to stand down. States have long led on consumer protection when national policy is absent. The growing number of state repair laws reflects the same basic reality: people want the ability to maintain and repair their products without unnecessary manufacturer restrictions. Alaska should shape a repair policy that reflects Alaska’s needs, not wait indefinitely for a national solution that may or may not arrive.

Finally, HB 162 is pro-consumer, pro-small business, and pro-resilience. It supports local repair providers, helps consumers avoid premature replacement, reduces waste, and gives Alaskans more control over the products they buy. It does not require anyone to repair their own product. It simply gives them the option.

I respectfully urge the Committee to move HB 162 forward.

Thank you for your time and consideration.

Sincerely,

Matt Zieminski
VP of Partnerships
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United States

Outdoor Power Equipment Institute

May 4, 2026

transmitted via e-mail: House.Labor.And.Commerce@akleg.gov

The Honorable Zack Fields
Co-Chairperson, House Labor & Commerce Committee
State Capitol Room 24
Juneau, AK 99801

The Honorable Carolyn Hall
Co-Chairperson, House Labor & Commerce Committee
State Capitol Room 434
Juneau, AK 99801

re: OPEI opposition to HB 162, An Act relating to the diagnosis, maintenance, and repair of products that use digital electronics to operate; adding an unlawful act to the Alaska Unfair Trade Practices and Consumer Protection Act; and providing for an effective date.

Dear Co-Chairs Fields and Hall:

I write on behalf of our member companies to express our opposition to HB 162 as it is the wrong approach for outdoor power equipment and creates the potential for harm to Alaska's consumers and businesses alike. OPEI is also a member of the Coalition Against Illegal Tampering which represents the broader off-road equipment sector and their shared concerns about the unsafe and in some cases illegal modification and tampering with equipment.

OPEI is an international trade association representing the manufacturers and their suppliers of non-road gasoline powered engines, personal transport & utility vehicles, golf cars and consumer and commercial outdoor power equipment ("OPE"). OPE includes lawnmowers, garden tractors, trimmers, edgers, chain saws, snow throwers, tillers, leaf blowers and other related products. OPEI member companies and their suppliers contribute approximately $16 billion to US GDP each year. OPEI members currently distribute their products across all 50 states, through a diversity of retail outlets including independent dealers who are authorized to sell and service their equipment through a contractual arrangement.

Attached is detailed information on the OPE industry, its products, and the concerns underlying our opposition to this legislation. In summary, HB 162 creates risks of OPE modification outside the scope of recommendations for repair made by the manufacturer. Such modifications risk impairment of product safety controls creating the potential for unsafe products and impairment of product emission controls creating the potential for environmental harm and violation of federal laws.

As much as any U.S. state, Alaskan consumers and businesses rely on the dependability and performance of member products for utility uses, providing for their personal safety and livelihoods. These products include utility off-road vehicles, snowmobiles, generators, snow throwers, and chainsaws. The reliance on these products in the face of extreme weather conditions is predicated on the appropriate maintenance

and repair of the products as recommended by the manufacturer. HB 162 instead only creates an increased risk of unsafe product modification, whether intentional or not, rather than a “right to repair”.

As a general matter this broad legislation fails to consider the diversity of our industry’s products and their repair needs, including our members’ effective record of providing for product repair. This includes our industry’s 2023 commitment to offer additional repair resources, in cases where the product and application may require it.

Thank you for the consideration of these comments, and I would be happy to address any questions you might have.

Best regards,

Daniel J. Mustico
Senior Vice President, Government & Market Affairs
dmustico@opei.org

attachment

Outdoor Power Equipment Institute

WHY Outdoor Power Equipment (OPE) Manufacturers OPPOSE "Right to Repair" Legislation

Current legislation is overly broad with unintended consequences for consumers of outdoor power equipment ("OPE"). The OPE industry is instead committed to the consumer's right to repair where it does not risk modifications to products which compromise consumer safety, product performance, and environmental protection.

- Modification is not repair. Modifications are outside the scope of recommendations for repair made by the manufacturer.
- Providing access to embedded software may result in modifications, not repair.

WHO WE ARE, AND IMPORTANT UNIQUE ASPECTS OF THE OPE INDUSTRY

- $16 billion U.S. industry
- 110 U.S. manufacturer members
- U.S. OPE industry employs 150,000 workers
- OPE includes: lawn mowers, snow throwers, chain saws, generators and more.
- OPE product use is ubiquitous in American households and businesses of all sizes, totaling approximately 250 million legacy products in use and new shipments of nearly 40 million products annually.
- OPE industry has a long history of consumer safety and environmental protection through the development of safety standards and engagement with government, including compliance with all regulations.

ABOUT OPE PRODUCTS

- Most OPE manufactured today relies on electronics and software code for various functions – including safety and environmental compliance.
- OPE product offerings are increasingly electrifying with lithium-ion battery technology – this results in the necessary use of software to control safety and operation of the machines.
- Depending on the type of power source of the OPE (e.g., gas, diesel, battery, AC), the proposed legislation can create very unique risks of product modification to products, whether intentional or not.
- Different from many of the other products impacted by this broad scope legislation, many types of OPE have significant service lives and markets for re-use, re-manufacture, and recycling.
- For OPE with shorter service lives, serviceability options are diverse and based on manufacturer consideration of price, service life, potential for consumer repair, and the complexity of the anticipated repairs.
- To effectively provide for these diverse repair needs, OPE is serviced (when applicable) through a diversity of channels including independent authorized dealers, independent service providers, and retailers.
- OPE manufacturers already provide tools necessary for the proper diagnosis, maintenance and repair of products, where safe and applicable.
- In cases where additional maintenance, diagnostic, and repair tools are still required or preferred for applicable products, effective 2023 manufacturers of residential and commercial lawn & garden equipment will offer such additional resources for purchase [for information see www.opei.org/right-repair-solutions/].

WHY "RIGHT TO REPAIR" LEGISLATION IS THE WRONG APPROACH, AND FAILS TO SERVE CONSUMERS AND HARMS MANUFACTURERS

- The legislation creates risks of improper repair and modification, whether intentional or not, which poses risks to consumer safety, product performance, and environmental protection.
- OPE maintenance, diagnostic, and repair needs cannot be equated with other equipment and products such as consumer electronics.
- Broad scope legislation is impractical for the OPE industry as products are significantly diverse according to price, service life, retail channel, potential for consumer repair and the complexity of anticipated repairs.

- For products with significant service life, improper/faulty repair and/or modification can shorten the service life and/or negatively impact the re-sale value of the product.
- Improper/faulty repair and/or modification can void the product's warranty.
- In some cases, legislation may infringe upon OEM intellectual property protections provided for under U.S. Federal law. Examples of areas where preemptive federal law may apply are copyright[1], trade secrets[2], fraud and abuse[3], and air emission regulations[4].

WHY "RIGHT TO REPAIR" LEGISLATION RISKS IMPAIRMENT OF PRODUCT SAFETY CONTROLS AND CREATES POTENTIAL FOR UNSAFE PRODUCTS

- Improper modification of software or hardware risks making products non-compliant with applicable safety standards, and as such unsafe. For example:
    - Modification creates the potential to impair Operator Presence Controls (OPC) which protect against injury by disabling powered components when an operator is not actively controlling equipment.
    - The integrity of the OPC of consumer pedestrian-controlled lawnmowers is required under law by a federal standard (U.S. Consumer Product Safety Commission)[5].
    - Modifications to other controls of OPE may impair control mechanisms for speed, direction, steering, and braking.
- These safety risks apply not only to the OPE user, but commercial workplace employees and bystanders including vulnerable pedestrians where products are used in public settings for both residential and commercial purposes.
- Modifications may also result in the potential to expose OPE users to unsafe engine emission levels of carbon monoxide due to improper emission control modification.
- Where applicable to OPE, lithium-ion batteries are not amenable to any form of repair. For more information on batteries and their chargers see www.opei.org/battery-basics/.

WHY "RIGHT TO REPAIR" LEGISLATION RISKS IMPAIRMENT OF PRODUCT EMISSION CONTROLS, ENVIRONMENTAL HARM AND VIOLATION OF FEDERAL LAWS

- Where applicable, OPE is subject and compliant to product air emission regulations, which is governed by the machine's electronic / software controls. "Right to Repair" legislation risks potential product modifications which compromise air emissions and compliance with the law.
- "Right to Repair" legislation potentially inhibits federal (and state where applicable) jurisdiction over the regulation of engine emissions.
- The legislation further inhibits federal (and state where applicable) statutory anti-tampering provisions and may infringe upon protections of OEM intellectual property rights.
- Also where applicable (for battery-powered OPE), the legislation may inhibit federal (and state where applicable) jurisdiction over the regulation of battery and battery charger efficiency. For more information on batteries and their chargers see www.opei.org/battery-basics/.

Learn more at www.opei.org/right-repair-solutions/

# # #

[1] The Copyright Act and Digital Millennium Copyright Act (DMCA)
[2] Defend Trade Secrets Act (DTSA)
[3] Computer Fraud and Abuse Act (CFAA)
[4] Clean Air Act (CAA)
[5] U.S. Code of Federal Regulations, Part 1205, Safety Standard for Walk-Behind Power Lawn Mowers

Submitted Electronically

Letter of Opposition Unless Amended to Alaska HB 162: Digital Product Repair

Alaska House Labor and Commerce Committee

May 4, 2026

Chairs Fields and Hall and other Honorable Members of the House Labor and Commerce Committee:

The Engine Technology Forum (ETF) is an educational organization that represents manufacturers of internal combustion engines such as gasoline and diesel engines, vehicles, machines and equipment and their components as well as both petroleum and renewable biofuel producers.

Through original research, education, and fact-based outreach, we seek to expand the broader understanding about the benefits and advancements in advanced internal combustion engines, technologies, and fuels as well as their significance to our economy and how they help achieve clean air and climate goals. You can learn more about us on our website enginetechforum.org.

We are writing to express our opposition to HB 162 unless amended. Like the members we represent, ETF is concerned that broad Right to Repair (RTR) legislation applied to advanced engines and equipment can facilitate tampering with emissions control systems and other safety-critical functions. These activities are likely in violation of the federal Clean Air Act (CAA) and would jeopardize Alaska's air quality and public health—particularly in communities where equipment operates for long hours in close proximity to people.

HB 162 is framed around "products that use digital electronics to operate." We respectfully urge the Committee to recognize that advanced engines and large equipment are not "regular electronics." Modern off-road/non-road equipment integrates sophisticated, safety-critical embedded software (electronic control units, sensors, and diagnostics) that is designed, validated, and updated as an integrated system to (1) keep engines in compliance with the CAA and certified emissions configurations, (2) protect operators and bystanders through safety interlocks and controlled operating modes, and (3) protect equipment and data through cybersecurity and anti-theft features. Unlike typical consumer electronics, changing calibrations or disabling software-based protections can directly affect braking/traction behavior, speed/torque limits, thermal protections, regeneration and aftertreatment performance, and other functions with real-world safety and emissions consequences.

To avoid definitional ambiguity and unintended application to engine-powered equipment, Alaska should explicitly codify a comprehensive "off-road/non-road equipment" exclusion. This approach would align with the way other states have tailored RTR laws by focusing on consumer digital

products while excluding heavy equipment and non-road engine applications that raise distinct emissions, safety, and cybersecurity concerns. ETF respectfully requests adoption of an amendment using the following exclusion language:

"Manufacturers, distributors, importers, or dealers of all off-road (non-road) equipment, including without limitation, farm and utility tractors, farm implements, farm machinery, forestry equipment, industrial equipment, utility equipment, construction equipment, compact construction equipment, road-building equipment, mining equipment, turf, yard and garden equipment, outdoor power equipment, portable generators, marine, all-terrain sports and recreational vehicles (including racing vehicles), stand-alone or integrated stationary or mobile internal combustion engines, other power sources (including without limitation generator sets, electric/battery and fuel-cell power), power tools, and any tools, technology, attachments, accessories, components, and repair parts for any of the foregoing."

Thank you for your time and consideration of this request for a technical amendment. We welcome the opportunity to be of resource to the committee or answer any questions or concerns you may have on this or related matters.

Sincerely,

Kara Gundel
Senior Director, Public Policy
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Engine Technology Forum