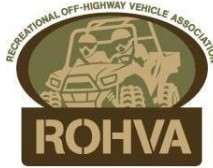




**MOTORCYCLE
INDUSTRY
COUNCIL®**



March 10, 2025

The Honorable Kelly Merrick
Chair, Senate Community and Regional Affairs
State Capitol
Room 504
Juneau, AK 99801

RE: SB 111 AMENDMENT REQUEST– Exclude Off-Highway Vehicles

Dear Chair Merrick:

The Motorcycle Industry Council (MIC)¹, the Specialty Vehicle Institute of America (SVIA)², and the Recreational Off-Highway Vehicle Association (ROHVA)³ represent several hundred companies in the powersports industry. **We urge that SB 111 be amended to specifically exclude off-highway vehicles from the scope of the bill's provisions like Colorado, Massachusetts, Minnesota, and New York have done.** Given the exclusion of motor vehicles in SB 111 we don't believe it is your intent to capture powersports vehicles and we are requesting an amendment to ensure that exclusion.

Frequently, legislation that has been introduced includes overly broad requirements for the majority of consumer products. Motor vehicles are appropriately excluded from most digital right to repair legislation, including SB 111. However, the "motor vehicle" definition used in such legislation only applies to vehicles operated **on highways**. As a result, off-highway vehicles such as dirt bikes, all-terrain vehicles, and recreational off-highway vehicles (side-by-sides) are thereby captured and subject to the provisions of digital right to repair legislation. As you certainly know, in Alaska off-highway vehicles are used almost as much as the on-highway vehicles that are excluded from your legislation.

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

Digital right to repair legislation capturing off-highway vehicles would economically harm Alaska franchised dealers, which are primarily small businesses. Dealers have invested heavily in training, special tooling, and equipment to service vehicles. This investment is substantial in terms of both time commitment for training and a monetary commitment for special tools and their facility. If tools and technical

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

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

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

information are provided to customers and unauthorized independent repair shops, the franchised dealer's investment is compromised. In 2024, the value of the powersports retail marketplace in Alaska was \$338 million with an estimated 9,800 new powersports retail sales and 54 powersports retailers in the state.⁴

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

In 2023, New York (AB 7006 and SB 4104) and Minnesota (SF 2744), and in 2024, Colorado (HB 1121) enacted digital right to repair legislation that specifically excluded both motorcycles and off-highway vehicles from the digital right to repair provisions. We urge that SB 111 be amended, similar to what New York, Minnesota, and Colorado recently enacted:

(7) "motor vehicle" means a vehicle designed for transporting persons or property on a street or highway and certified by the manufacturer under all applicable federal emissions standards and requirements for distribution and sale in the United States, including motorcycles, mopeds, and off-road (non-road) equipment, including but not limited to all-terrain sports and recreational vehicles (including racing vehicles);

Sponsors of similar bills in other states have also incorporated these suggested edits. It is inappropriate to include any type of motor vehicle, off-highway vehicle, and recreational vehicles in the scope of a law designed to address the digital right to repair of consumer electronics, and we respectfully request that SB 111 exclude these vehicles.

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

Sincerely,



Scott P. Schloegel
Senior Vice President, Government Relations
Motorcycle Industry Council
Specialty Vehicle Institute of America
Recreational Off-Highway Vehicle Association

cc: Senate Community and Regional Affairs Committee Members

⁴ Motorcycle Industry Council's 2024 "Economic Impact of the Powersports Industry"