



May 11, 2022

Chair Warren Limmer
Minnesota Senate Bldg, Room 3221
St Paul, MN 55155

Chair Carlos Mariani
479 State Office Building
St Paul, MN 55155

Re: Boating Industry Opposition to Digital Fair Repair Provisions in SF2673

Dear Chair Limmer, Chair Mariani and Members of the Conference Committee,

On behalf of the recreational boating industry, the Marine Retailers Association of the Americas (MRAA) and National Marine Manufacturers Association (NMMA), we request committee members **oppose Digital Fair Repair Act provisions in SF2673, lines 240.29 – 244.17 in the House version.**

In the Minnesota alone, the collective recreational boating industry supports nearly 11,000 jobs and contributes \$4.31 billion in economic impact annually across nearly 700 businesses.

The Marine Retailers Association of the Americas 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.

The National Marine Manufacturers Association is the leading trade association for the recreation boating industry. Our member companies produce more than 80 percent of the boats, engines, trailers, accessories, and gear used by boaters throughout the United States and Canada. Our Minnesota members include marine manufacturers like Alumacraft Boats, Lund Boats, Premier Pontoon and many more.

While we do not question the good intent of digital fair repair efforts, we have concerns about how the broad language of this bill could negatively affect our members and boaters in Minnesota. If passed as written, SF2673 would pose serious threats to the marine industry, our members, and the consumers that enjoy and depend on our products. Proponents of the Digital Fair Repair Act want access to software, specialized tools, mechanical, electrical, safety, and emissions features that are incorporated into marine engine and marine electronic products. **Granting consumers such access could result in modifications to the engine that could run afoul with federal emissions requirements and result in safety protocols being disabled or overridden.** Furthermore, this could also create potential liability issues for our members.

We do not oppose a consumer's right to make repairs on their equipment, and in fact many of our members will work with their customers to sell the required parts and train them to do simple repairs themselves. We do however, oppose providing access to the proprietary



code to the products our members sell due to concerns with safety, emissions, compliance, product reliability and liability.

Providing this level of access to untrained individuals would negatively affect the products' compliance with federal safety, security, and emission standards. Marine manufacturers are required by the U.S. EPA, under 40 CFR 1068.50 to ensure "adjustable parameters" are unable to be tampered with by unauthorized technicians, ensuring engines maintain their safety and emissions protocols. Right to repair legislation must account for federal anti-tampering requirements as well as account for emissions and safety standards.

The digital fair repair act provision would not only allow consumers to override federal emissions standards, but it would also provide them the opportunity to override safety protocols programmed into marine engines. Consumers could potentially make changes to start engines while in gear or override automatic engine cutoff procedures relating to an engine overheating or after a collision. These changes would not only put the consumer at increased risk, they would also raise liability concerns for our dealers as many sell "pre-owned" vessels. If a pre-owned vessel had these undocumented changes intact and it resulted in bodily harm to the next owner, the dealer would likely be subject to repercussions that could be detrimental to their small business.

As written, the digital fair act provisions go beyond giving the public or independent repair shops the ability to repair their marine engines. **It gives them the ability to tamper with emission controls, violate federal emission standards, and endangerer the lives of themselves and others on the water.**

For those reasons and more, **we ask the conference committee does not include digital fair repair provisions in the final omnibus language.** If you have questions, please do not hesitate to contact us via Chad Tokowicz at Chad@mraa.com or (978)-569-5127 or Jill Sims at jsims@nmma.org or 612-961-2220. Thank you for your consideration.

Sincerely,

Chad Tokowicz
Government Relations Manager
Marine Retailers Association of the Americas

Jill Sims
Senior Manager, Great Lakes Policy and Engagement
National Marine Manufacturers Association