



## Marine Retailers Association of the Americas

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February 02, 2022

Chair Zack Stephenson  
Commerce Finance and Policy Committee  
Minnesota House of Representatives  
509 Rev. Dr. Martin Luther King Jr. Blvd  
St Paul, MN 55155

### **Re: HF 1156 – Boat Retailers Oppose Digital Fair Repair Act**

Dear Chair Stephenson and Members of the Committee:

On behalf of the Marine Retailers Association of the Americas (MRAA) and our 158 Minnesota members, I am writing to request that the committee oppose HF 1156, Digital Fair Repair Act.

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.

While we do not question the good intent of this legislation, we have concerns about how the broad language of this bill could negatively affect our members in Minnesota. If passed as written, HF1156 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.

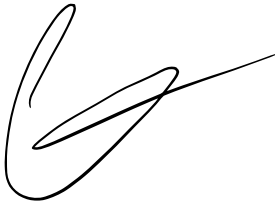
HF1156 would not only allow consumers to override federal emissions standards, but it would also provide them the opportunity to override safety protocols programmed into marine engines. Consumers could potentially make changes to start engines while in gear or override automatic engine cutoff procedures 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, HF 1156 goes 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 committee to vote against this bill. If you have questions, please contact me at [Chad@mraa.com](mailto:Chad@mraa.com) or (978)-569-5127.

Sincerely,

A handwritten signature in black ink, appearing to be 'Chad Tokowicz', written in a cursive style.

Chad Tokowicz  
Government Relations Manager  
Marine Retailers Association of the Americas