



TRANSMITTED VIA E-MAIL

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RE: FWEDA, MRAA, EDA and AED oppose Nevada AB 221 related to consumer digital repair of equipment

Dear Honorable Assembly Members,

Far West Equipment Dealers Association (FWEDA), Marine Retailers Association of the Americas (MRAA), Equipment Dealers Association (EDA) and Associated Equipment Distributors (AED) oppose **Nevada AB 221 related to consumer digital repair of equipment with a value at wholesale of \$5,000 or less** as this measure would permit unrestrained access to technology, software code and related tools by potentially unqualified and unskilled individuals to repair expensive and sophisticated machinery.



We must emphasize the “right-to-repair” debate requires clarity between two similar but very distinct issues: access to diagnostic tools and repair information, and access to software source code in machinery or in a device. The equipment industry does not support “right-to-repair” legislation granting unlimited access to modify software code — which controls safety and emissions standards — as it effectively “legalizes” tampering in violation of the [EPA Clear Air Act](#). It also poses serious safety threats to consumers.



FWEDA, MRAA, EDA and AED collectively represent agricultural, industrial, material handling, hardware, lumber, outdoor power, rental and marine equipment dealers in Nevada and across the United States. Nevada’s



equipment dealership locations comprise businesses whose contributions serve to provide quality jobs and enhance a healthy economy.

Qualified technicians employed by our dealers invest many years in training and developing their skillset to keep pace with the growing demands of intricate technology and safety features in today's modern equipment industry. In addition to ensuring the safety and integrity of the machinery our dealers sell and service, this specialized workforce improves the economic circumstances for individuals and their families, and significantly improves the well-being of our communities.

The language and intent of this proposed bill is misleading: Items listed in the proposal are already available to end users as part of an [industry commitment to do so by January 2021](#).

Regarding proposed bill language related to "equipment that contains an electronic security lock or other security-related function":

"Right to repair" is NOT a Right to Modify

AB 221 "Right-to-repair" legislation as written jeopardizes the safety and integrity of machinery because it:

- Risks permitting a user to override safety features and modify engines to increase horsepower beyond OEM ratings
- Compromises machinery that must comply with environmental and emissions standards
- Undermines manufacturers' intellectual property and stifles innovation; it will deter manufacturers and dealers who invest considerable resources in developing cutting-edge technology

Please refer to <https://illegaltampering.com/> for more information on this distinction.

Importantly, the [EPA launched an enforcement initiative](#) targeting those who undermine emissions controls as detailed above. This proposed legislation places equipment dealers and end users at significant risk of violating these mandates by accepting a piece of equipment for service, purchase or trade that could have been unknowingly modified.

We urge you to consider the negative impact this could have on businesses and consumers should this legislation advance.

FWEDA, MRAA, EDA and AED endorse a customer's "right to repair" as demonstrated by equipment industry efforts in making available the necessary tools that end users need to navigate onboard technology.

End users continue to have more access to onboard diagnostics tools via in-cab display or wireless interface, electronic diagnostic service tools and training on how to use both. Please refer to <https://fweda.com/r2r/> for more information about these tools.

In closing, the proposed legislation referenced above is unnecessary and duplicates efforts of businesses to operate in good faith without costly and undue government interference.

Respectfully,



Joani Woelfel
President & CEO
Far West Equipment
Dealers Association



Matt Gruhn
President
Marine Retailers Association
of the Americas



Kim Rominger
President & CEO
Equipment Dealers Association



Brian P. McGuire
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EQUIPMENT MANUFACTURING IN NEVADA

AEM MEMBER SPOTLIGHT

ASTOUND Group

DYNAMIC SEAL & GASKET INC
dba DSG INC

Kassbohrer All-Terrain Vehicles Inc

MB Crusher America Inc

MINDS Inc

Xtreme Manufacturing

The equipment manufacturing industry supports **1,300** total jobs



and **356** direct jobs in Nevada



Equipment manufacturers support **12%** of all U.S. manufacturing jobs



GDP



The equipment manufacturing industry in Nevada contributes **\$104 million** to the state's GDP each year.

WAGES



The equipment manufacturing industry in Nevada generates **\$65 million** in wages each year.

TAX REVENUE



The equipment manufacturing industry in Nevada generates **\$7 million** in tax revenue each year.



Equipment manufacturing jobs pay **35% higher** than the national average.

91% of U.S. voters say manufacturing is critical to American economy. **#ManufacturingElection**



www.aem.org

AEM
Association of Equipment Manufacturers