



January 18, 2019

The Honorable Marvin Nelson  
P.O. Box 577  
Rolla, ND 58367-0577  
Via email: [menelson@nd.gov](mailto:menelson@nd.gov)

Dear Rep. Nelson:

Equipment manufacturers and North Dakota dealers are unified in their opposition to HB 1305 which would allow for unfettered access to the software that governs on-board technology on equipment. We believe this legislation is overly-broad in scope, and unnecessary in light of the commitment our industry has made to users.

Equipment manufacturers and dealers have a shared incentive with their customers to minimize downtime and maximize productivity. That is part of the reason why we have invested so much in cutting-edged innovations that incorporate the latest technology, training and support for the skilled technicians who service equipment.

Our industry is responding to user needs. That is why manufacturers and dealers have made an industry commitment to make available the tools equipment owners need to navigate onboard technology. In the near future, users will have access to on-board diagnostics tools via in-cab display or wireless interface, electronic diagnostic service tools, and training on how to use both. Manufacturers and dealers currently make available manuals, product guides, and product service information. You can learn more at: <http://www.r2rsolutions.org/>

A number of manufacturers already make many of these tools and materials available. By 2021—or in some cases earlier—customers should expect the same level of information for their equipment across manufacturing brands.

**The Right to Repair is not a Right to Modify**

Proponents of Right to Repair have advocated for overly-broad laws that will allow unfettered access to the software that governs on-board technology on equipment. Giving access to the source code will not only undermine manufacturers' innovation and intellectual property rights, it will risk allowing modifications that run afoul of safety and emissions requirements for the

equipment. Modifications also create unknown liability issues for the individuals modifying the code, dealers who subsequently trade-in modified equipment for resale, as well as subsequent owners of modified equipment.

Our commitment to customer support is an appropriate solution that makes so-called "Right to Repair" legislation unnecessary. We invite you to join us at your convenience for an onsite demonstration on the use of these tools.

Respectfully,

Stephanie See  
Director, State Government and Industry Affairs  
AEM

Natalie Higgins  
Vice President of Government Relations and General Counsel  
EDA