



January 17, 2017

The Honorable Lydia Brasch
Room #1022
P.O. Box 94604
Lincoln, NE 68509

Dear Senator Brasch:

The Motorcycle Industry Council (MIC) is a not-for-profit, national trade association representing over 600 manufacturers, distributors, dealers and retailers of motorcycles, scooters, motorcycle parts, accessories and related goods and services, and members of allied trades. The Specialty Vehicle Institute of America (SVIA) is the national nonprofit trade association which represents manufacturers and distributors of all-terrain vehicles in the United States. The Recreational Off-Highway Vehicle Association (ROHVA) is a national industry organization representing manufacturers and distributors of recreational off-highway vehicles, also known as side-by-sides. Kawasaki Motors Manufacturing Corp., U.S.A., a member of these three associations, employs approximately 1,900 workers at its Lincoln manufacturing facility.

The member companies of MIC, ROHVA and SVIA urge that LB 67, which addresses the repair of digital electronic equipment, be amended to exclude motorcycles and off-highway vehicles from the scope of its provisions. Motor vehicles are appropriately excluded from this legislation which is focused on consumer electronics. However, the definition of motor vehicle in the bill specifically excludes motorcycles. The motor vehicle definition also does not include off-highway vehicles, such as dirt bikes, all-terrain vehicles and recreational off-highway vehicles (also known as side-by-sides), thereby making these vehicles subject to the provisions of LB 67. While all of these motor vehicles contain certain digital electronic components that may be covered under LB 67, it is entirely appropriate that these products not be included in the scope of a bill addressing consumer electronics.

We believe the definition of motor vehicle in LB 67 may be drawn from state legislation that deals specifically with motor vehicle "right to repair." Massachusetts was at the forefront of the motor vehicle right to repair issue and became the first and only state in the nation to enact such a law. The law has been used as a model for other states and for a national Memorandum of Understanding. Motorcycles are excluded from the Massachusetts law because they are different than automobiles in terms of the diagnostic connector standard mandated by motor vehicle right to repair laws and therefore cannot comply with provisions typically included in motor vehicle right to repair legislation. Massachusetts legislators recognized this difference and the need to exclude motorcycles. They did so by specifically excluding motorcycles from the definition of motor vehicle for purposes of the right to repair law (off-highway vehicles are also excluded from the law because it applies only to on-highway motor vehicles). The definition of motor vehicle in LB 67 also includes only on-highway motor vehicles, but by only excluding on-highway motor vehicles from the scope of the bill, it results in off-highway vehicles being included in the bill.

Were motorcycles and off-highway vehicles to be included in this 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. For example, a member manufacturer requires dealers to attend two technical training programs per year to instruct them on how to use the website and specialty tools and additional on-going training. This training is vital to insure the correct repair of the product line and the safety of the customer.

We urge that Sec. 2 of LB 67 be amended as follows:

(7) Motor vehicle means any vehicle that is designed for transporting persons or property on a street or highway and is certified by the motor vehicle manufacturer under all applicable federal safety and emissions standards and requirements for distribution and sale in the United States or an off-highway motorcycle, all-terrain vehicle or utility-type vehicle. Motor vehicle does not include:

~~(a) A motorcycle; or~~

~~(b) A a recreational vehicle or manufactured home equipped for habitation;~~

It would be inappropriate to include any type of motor vehicle, including motorcycles and off-highway vehicles, in the scope of a law designed to address consumer electronics and we respectfully request that you amend LB 67 to exclude these vehicles, similarly to the exclusion provided for other motor vehicles.

Thank you very much for your consideration of these comments on this issue which is of vital concern to our member companies.

Sincerely,



Kathy R. Van Kleeck
Sr. Vice President, Government Relations

Cc: Senator Mike Hilgers