

Submitted Electronically

Written Testimony of the Truck and Engine Manufacturers Association

By

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Maryland HB 1429

House Economic Matters Committee

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Chair Valderrama, Vice Chair Charkoudian and Honorable Members of the House Economic Matters Committee:

The Truck and Engine Manufacturers Association (EMA) represents the world's leading manufacturers of commercial vehicles as well as on- and off-road engines used in applications such as trucks; buses; construction and farm equipment. EMA member companies design and produce vehicles and equipment with a gross vehicle weight rating (GVWR) of greater than 10,000 pounds. Those vehicles and equipment are highly customized to perform a wide variety of commercial functions including but not limited to interstate trucking, regional freight shipping, intracity pickup and delivery, parcel delivery, refuse hauling, construction, emergency services and public transportation in addition to farm equipment and vehicles.

The differences between the automotive/passenger vehicle and commercial vehicle (aka "trucks and specialty vehicles") markets are significant and should not be overlooked nor simplified. The proposal of right to repair legislation for commercial vehicles is a solution in search of a problem that does not exist in the commercial vehicle market and creates significant negative consequences across the commercial vehicle industry, including large and small manufacturers, fleet owners, small businesses and government entities who rely on commercial vehicles.

Commercial vehicles are sold to trucking companies and other entities in business-to-business transactions. They are not simply big cars. Commercial vehicles are produced in annual volumes of less than five percent of that of passenger vehicles. Passenger vehicles are marketed to consumers for their personal use to carry people and their belongings. Commercial vehicles are purchased by trucking companies and other businesses and government entities that highly customize the vehicles to suit their specific needs and functional requirements, selecting components and features from literally hundreds of options. Importantly, commercial vehicles are not mass produced in an integrated manufacturing process as are passenger cars. Commercial vehicles are, rather, manufactured on a "made-to-order" basis having an engine, transmission and rear axle, each produced and warranted by a different entity. The platform and access requirements of the legislation simply cannot be implemented in a non-vertically integrated industry which provides custom-built vehicles for commercial use.

Most commercial vehicles are built in multiple stages, with the “vehicle” manufacturer producing an incomplete chassis that must be finished by an independent body manufacturer to become a dump truck, ambulance, bus – or any one of a wide range of truck configurations. Many completed commercial trucks and specialty vehicles have yet another manufacturer who installs equipment like a pump, lift, or crane before the vehicle is put into service. As proposed, the bill would apply to thousands of small and specialized businesses that install bodies and equipment on those chassis to complete commercial vehicles. The application of this proposed law to market segments beyond passenger cars will be devastating to many small businesses in the commercial vehicle manufacturing chain.

The maintenance and repair of commercial vehicles is completely different than that of passenger cars given that commercial vehicles are custom built and used for commercial purposes. The maintenance and repair of commercial vehicles is performed in a manner that is consistent with the business-to-business nature of the industry. An out-of-service commercial vehicle is a stranded asset for the business or government entity that purchased it; therefore, manufacturers employ services managers, service engineers, and 24-hour call centers that are singularly focused on getting vehicles back into service as quickly as possible. To efficiently maintain and repair vehicles many trucking fleets and government entities obtain authorization from the manufacturers and component suppliers to perform their own warranty and service repairs, with access to the same tools and data as a dealership. In addition, it often becomes necessary for commercial vehicle dealerships to contract independent repair facilities, that also have access to all the necessary tools and information to complete warranty and service repairs. Commercial vehicle dealerships frequently cooperate with component distributors to ensure that repairs are properly allocated between component and vehicle service facilities. To keep businesses profitable, trucking fleets and government entities demand that commercial vehicles are serviced and repaired as efficiently as possible. And such a system exists in the marketplace today.

In short, the issues sought to be addressed by the proposed legislation are not present in the commercial vehicle industry. The business-to-business relationships between commercial vehicle manufacturers and operators drive efficient and flexible commercial vehicle service operations where all parties have access to the tools and data they need to maximize uptime. The tools and data necessary for maintenance and repairs of commercial vehicles are already being provided in a well-established structure that includes owners, operators, dealerships and independent repair facilities that, in its current form, the legislation not only does not recognize but could cause disruptions with significant adverse consequences.

Access to vehicle generated data of commercial vehicles would increase the risk of particular and serious dangers. Commercial vehicles use increasingly sophisticated electronic driver assistance systems and comprehensive fleet management telematics systems. Interference with safety-critical functions like steering, acceleration, and braking of an 80,000 pound tractor-semi-trailer combination vehicle could be disastrous, especially if the vehicle is carrying hazardous materials. Additionally, malicious actors are highly motivated to gain access to fleet management telematics to steal trucking business secrets and to enable cargo theft.

Congress and federal regulatory agencies address passenger cars and commercial vehicles separately and differently. Those independent statutory and regulatory approaches exist because of the many distinctions between the two markets. A unique approach for commercial vehicles by

the U.S. Environmental Protection Agency (EPA) has resulted in successful medium and heavy-duty vehicle programs to reduce pollutants and greenhouse gas emissions. Similarly, the National Highway Traffic Safety Administration (NHTSA) has highly successful programs to address commercial vehicle safety. In addition, Congress created the Federal Motor Carrier Administration understanding the need to have an agency that focuses solely on improving the safety of commercial vehicles and their operations.

Turning now to the farm equipment provisions of the bill, EMA also opposes this provision as enabling access to systems that is potentially dangerous and simply not needed. Manufacturers already provide access to the diagnostic, maintenance and repair information needed to perform the vast majority of repairs. Manufacturers have programs available in which daily, weekly, monthly and yearly information can be provided to independent repair facilities and owners.

The major manufacturers of agricultural equipment entered a Memorandum of Understanding with the American Farm Bureau Federation in 2023 which documents the arrangement under which access is provided and the obligations and responsibilities of the signatories are set forth. Importantly, there is a continuing commitment to meet on a regular basis to assess the MOU and update it based on operational concerns or technological advancements. The parties to the MOU have met several times since its inception to review and update the implementation details including incorporation of the Guidance Document on Emissions Repairs recently issued by the U.S. Environmental Protection Agency (January 30, 2026). In addition, there is a public website on which ANY owner/operator may file a complaint and, to date, few complaints have been filed. Those that have been filed have been quickly resolved. These are clear indications that the MOU is working to make legislation unnecessary.

While the proposed “Right to Repair Act” might seem innocuous, in fact it would create significant adverse unintended consequences to the farm equipment powered and manufactured by EMA’s members, as such requirements would provide unfettered access to change the microprocessors on engines and equipment that control critical safety, emissions, and performance systems. Repairing large, complex, and specialized products such as the farm equipment manufactured by EMA members require highly trained and skilled personnel, who are qualified to properly use service and repair information. Allowing untrained individuals and the public to have unfettered access to service information is dangerous and unnecessary. Further, it will undermine the integrity of the equipment and allow for safety features on agricultural equipment – such as steering and braking systems and electronic stability (anti-rollover) controls – to be altered and compromised. Unfettered access also will increase the likelihood that untrained personnel will intentionally or unintentionally, and illegally, alter or disable federally mandated emission control systems. Such illegal tampering is increasingly occurring today, especially on off-highway equipment. Tampering contributes substantial excess pollution that harms public health and air quality.

Further, the proposed repair legislation consistently fails to contain meaningful safeguards or restrictions that would prevent or mitigate the risk of cybersecurity incidents on farm equipment. This equipment is very sophisticated, and data related to when and how the equipment is used – which owners and operators regularly access today - to support critical business decisions helping them run their operations efficiently and effectively. Widespread and unfettered access to this information increases the opportunity for hackers to improperly obtain or tamper with such information – creating enormous cybersecurity risks. Legislation to make those efforts easier is ill

advised and unnecessary. In addition, the “open access platform” envisioned by the legislation simply does not exist. The cybersecurity risk and the risk associated with the broad ability to remotely access and send commands that control critical equipment safety systems has been widely recognized as a very real threat.

EMA and its members support and have worked with regulatory agencies (including U.S. EPA) to develop programs to expand the availability of service and repair information to qualified independent service repair personnel. Those programs and regulations include safeguards and restrictions needed to mitigate the risk of the unfettered release of safety and emissions control tools and other proprietary information. Such regulations also provide the same set of requirements across the country, in contrast to legislation that would mandate special state-based requirements that, if enacted, would actually hurt Maryland businesses.

For all these reasons, EMA has serious concerns with the proposed “Right to Repair Act”. Such requirements otherwise will create enormous safety, environmental, and security risks and liability exposure for owners and the public and will limit the availability – and/or increase the costs – of products sold in Maryland, as those products will be forced to have unique characteristics.

Thank you for the opportunity to provide our Written Testimony. If you have any questions or need additional information, please do not hesitate to contact me at: phanz@emamail.org, (312) 929-1979.