

HOUSE BILL 432

By Jones J

AN ACT to amend Tennessee Code Annotated, Title 43
and Title 47, Chapter 18, relative to agricultural
equipment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding
the following as a new part:

47-18-5801. Short title.

This part is known and may be cited as the "Agricultural Right to Repair Act."

47-18-5802. Part definitions.

As used in this part:

(1) "Agricultural equipment" or "equipment":

(A) Means products used in agricultural, horticultural, viticultural,
dairy products, livestock and the products thereof, the products of poultry
and bee raising, products of forestry, products used in property
maintenance, and any and all products raised or produced on farms and
processed or manufactured products thereof, transported or intended to
be transported in interstate or foreign commerce; and

(B) Does not include:

(i) A motor vehicle that is designed to transport individuals
or property on a street or highway and is certified by a motor
vehicle manufacturer under all requirements for the distribution
and sale of motor vehicles in the United States; or

(ii) Industrial, construction, compact construction, mining, or road-building equipment;

(2) "Authorized repair provider":

(A) Means an individual or business who has an arrangement with the original equipment manufacturer (OEM) under which the OEM grants to the individual or business a license to use a trade name, service mark, or other proprietary identifiers for the purposes of offering the services of diagnosis, maintenance, or repair of agricultural equipment under the name of the OEM, or other arrangement with the OEM to offer such services on behalf of, or under contract to, the OEM; and

(B) Includes an OEM who offers the services of diagnosis, maintenance, or repair of its own agricultural equipment with respect to such equipment;

(3) "Documentation" means any manual, maintenance procedures, functional and wiring diagrams, reporting output, service code description, board view file or complete printed circuit board layout, printed circuit board schematic, security code, password, training material, troubleshooting information, full list of required tools, full parts list, and other guidance or information used in effecting the services of diagnosis, maintenance, or repair of agricultural equipment;

(4) "Fair and reasonable terms" means:

(A) With respect to parts made available by the OEM, either directly or through an authorized repair provider, in a manner that:

(i) Is not conditioned on or imposing a substantial obligation or restriction that is not reasonably necessary for enabling the owner or independent repair provider to engage in

the diagnosis, maintenance, or repair of agricultural equipment made by or on behalf of the OEM;

(ii) Does not require a minimum or maximum quantity of parts that owners and independent repair providers can purchase; and

(iii) Does not condition access to parts on any additional contract other than a purchase order;

(B) With respect to documentation made available by the OEM, without requiring any contract agreement or account creation and at no charge; provided, that when the documentation is requested in physical printed form, a charge may be included for the reasonable actual costs of preparing and sending the copy; and

(C) With respect to tools made available by the OEM:

(i) At no charge; provided, that when a tool is requested in physical form, a charge may be included for the reasonable, actual costs of preparing and sending the tool;

(ii) Without requiring authorization or internet access for the use or operation of the tools, or imposing impediments to access or use of the tools to diagnose, maintain, or repair and enable full functionality of agricultural equipment; and

(iii) In a manner that does not impair the efficient and cost-effective performance of any such diagnosis, maintenance, or repair;

(5) "Independent repair provider" means an individual or business operating in this state who is not an authorized repair provider with an OEM, and

who is engaged in the services of diagnosis, maintenance, or repair of agricultural equipment;

(6) "Original equipment manufacturer", "manufacturer", or "OEM" means a business engaged in the business of selling, leasing, or otherwise supplying new agricultural equipment manufactured by or on behalf of the manufacturer to any individual or business;

(7) "Owner" means an individual or business who owns or leases agricultural equipment purchased or used in this state;

(8) "Part" means any replacement part, either new or used, made available or used by an OEM or its authorized repair providers for purposes of effecting the services of maintenance or repair of agricultural equipment manufactured by or on behalf of, or sold or otherwise supplied by the OEM;

(9) "Parts pairing" means the practice by manufacturers of using software to identify component parts through a unique identifier;

(10) "Tool" means any software program, hardware implement, or other apparatus used for diagnosis, maintenance, or repair of agricultural equipment, including software or other mechanisms that provide, program, or pair a new part, calibrate functionality, or perform any other function required to bring the product back to fully functional condition, including any updates;

(11) "Trade secret" has the same meaning as defined under 18 U.S.C. § 1839; and

(12) "Updates" means recommended corrections or adjustments to parts, tools, or information that are created and distributed by the OEM and used in offering the services of diagnosis, maintenance, or repair of agricultural equipment.

47-18-5803. Requirements for original equipment manufacturers.

(a) For agricultural equipment and parts for such equipment that are sold or used in this state, an original equipment manufacturer shall make available to any independent repair provider or owner of agricultural equipment manufactured by or on behalf of, or sold by such OEM, on fair and reasonable terms, any documentation, parts, and tools required for the diagnosis, maintenance, or repair of such agricultural equipment and parts for such equipment, inclusive of any updates. The documentation, parts, and tools must be made available either directly by such OEM or via an authorized repair provider or distributor.

(b) An OEM shall not use parts pairing or any other mechanism to:

(1) Prevent the installation or functioning of any otherwise functional part, including a nonmanufacturer approved replacement part or component;

(2) Inhibit or reduce the functioning of any part or board-level component, such that replacement by an independent repair provider or the equipment owner would cause the equipment to operate with reduced functionality or performance;

(3) Create false, misleading, deceptive, or nondismissable alerts or warnings about parts;

(4) Charge additional fees or increased prices for future repairs; or

(5) Limit who can purchase documentation, parts, and tools, or perform repair services.

(c) For equipment that requires deactivating an electronic lock for purposes of repair, the OEM shall make available to any owner, or independent repair provider, with the express permission of the owner, on fair and reasonable terms, any special documentation, tools, and parts needed to access and reset the lock or function when disabled in the course of diagnosis, maintenance, or repair of such equipment. The

documentation, tools, and parts may be made available through an appropriate secure release system.

47-18-5804. Violations and enforcement.

A violation of § 47-18-5803 constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in part 1 of this chapter. A violation of § 47-18-5803 constitutes an unfair or deceptive act or practice affecting trade or commerce and is subject to the penalties and remedies as provided in part 1 of this chapter.

47-18-5805. Limitations.

(a) This part does not:

(1) Require an original equipment manufacturer to divulge any trade secret to an owner or independent service provider, except as necessary to perform diagnosis, maintenance, or repair on fair and reasonable terms;

(2) Alter the terms of any arrangement in effect between an authorized repair provider and an OEM, including the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an OEM and pursuant to such arrangement; provided, that any provision in such terms that purports to waive, avoid, restrict, or limit the OEM's obligations to comply with this part is void and unenforceable;

(3) Require an OEM to make available special documentation, tools, or parts that would disable or override antitheft security measures set by the owner of the product without the owner's authorization;

(4) Require an OEM to sell a part if the part is no longer available to the manufacturer;

(5) Require an OEM to sell any service materials that would be illegal to use under federal or state law; or

(6) Prevent a parts dealer from marking up goods over the wholesale price.

(b) An OEM or authorized repair provider is not liable for any damage or injury to any agricultural equipment caused by an independent repair provider or owner that occurs during the course of repair, diagnosis, or maintenance and is not attributable to the OEM or authorized repair provider other than if the failure is attributable to design or manufacturing defects.

47-18-5806. Applicability.

This part applies to equipment first manufactured and sold on or after July 1, 2015.

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new subdivision:

() Violating § 47-18-5803;

SECTION 3. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 4. This act takes effect July 1, 2025, the public welfare requiring it, and applies to conduct occurring on or after that date.