

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

H.81

Introduced by Representatives Donahue of Northfield, Sims of Craftsbury,  
Andriano of Orwell, Anthony of Barre City, Birong of  
Vergennes, Boyden of Cambridge, Branagan of Georgia,  
Brumsted of Shelburne, Burrows of West Windsor, Demrow of  
Corinth, Dolan of Waitsfield, Farlice-Rubio of Barnet, Galfetti  
of Barre Town, Harrison of Chittenden, Higley of Lowell,  
Labor of Morgan, LaBounty of Lyndon, Masland of Thetford,  
McGill of Bridport, Morris of Springfield, Mulvaney-Stanak of  
Burlington, Nicoll of Ludlow, Noyes of Wolcott, Pajala of  
Londonderry, Priestley of Bradford, Sibia of Dover,  
Surprenant of Barnard, Taylor of Milton, Templeman of  
Brownington, White of Bethel, Williams of Barre City, and  
Williams of Granby

Referred to Committee on

Date:

Subject: Commerce and trade; consumer protection

Statement of purpose of bill as introduced: This bill proposes to ensure the  
fair repair of agricultural equipment.

An act relating to fair repair of agricultural equipment

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 ~~Sec. 1. SHORT TITLE~~

3 ~~This act may be cited as the Fair Repair Act.~~

4 Sec. 2. 9 V.S.A. chapter 106 is added to read:

5 CHAPTER 106. AGRICULTURAL EQUIPMENT; FAIR REPAIR

6 § 4051. DEFINITIONS

7 As used in this chapter:

8 (1) “Agricultural equipment” means a device, part of a device, or an  
9 attachment to a device designed to be used principally for an agricultural  
10 purpose, including a tractor, trailer, or combine; implements for tillage,  
11 planting, or cultivation; and other equipment associated with livestock or crop  
12 production, horticulture, or floriculture.

13 (2) “Authorized repair provider” means an individual or business that  
14 has an arrangement with the original equipment manufacturer under which the  
15 original equipment manufacturer grants to the individual or business a license  
16 to use a trade name, service mark, or other proprietary identifier for the  
17 purposes of offering the services of diagnosis, maintenance, or repair of  
18 equipment under the name of the original equipment manufacturer or other  
19 arrangement with the original equipment manufacturer to offer such services  
20 on behalf of the original equipment manufacturer. An original equipment  
21 manufacturer that offers the services of diagnosis, maintenance, or repair of its

1 own equipment and that does not have an arrangement described in this  
2 subdivision with an unaffiliated individual or business shall be considered an  
3 authorized repair provider with respect to such equipment.

4 (3) “Documentation” means any manual, diagram, reporting output,  
5 service code description, schematic diagram, security code, password, or other  
6 guidance or information used in effecting the services of diagnosis,  
7 maintenance, or repair of agricultural or forestry equipment.

8 (4) “Fair and reasonable terms” with respect to a part, tool, software, or  
9 documentation offered by an original equipment manufacturer, means the  
10 following:

11 (A) For parts:

12 (i) Costs are fair to both parties, considering the agreed-upon  
13 conditions, promised quality, and timeliness of delivery. Fair and reasonable  
14 costs are subject to statutory and regulatory limitations.

15 (ii) Terms:

16 (I) do not impose on an owner or an independent repair  
17 provider any substantial obligation to use or any restriction on the use of the  
18 part to diagnose, maintain, or repair equipment sold, leased, or otherwise  
19 supplied by the original farm equipment manufacturer, including a condition  
20 that the owner or independent repair provider become an authorized repair  
21 provider of the original equipment manufacturer, or a requirement that a part

1 ~~be registered, paired with, or approved by the original equipment manufacturer~~

2 or an authorized repair provider before such part is operational; and

3 (II) prohibit an original equipment manufacturer from  
4 imposing any additional cost or burden that is not reasonably necessary or is  
5 designed to be an impediment on the owner or independent repair provider.

6 (B) For tools and documentation:

7 (i) Costs are equivalent to the lowest actual cost for which the  
8 original equipment manufacturer offers the tool, software, or documentation to  
9 an authorized repair provider, including any discount, rebate, or other financial  
10 incentive offered to an authorized repair provider.

11 (ii) Terms:

12 (I) are equivalent to the most favorable terms under which an  
13 original equipment manufacturer offers the part, tool, software, or  
14 documentation to an authorized repair provider, including the methods and  
15 timeliness of delivery of the part, tool, software, or documentation;

16 (II) do not impose on an owner or an independent repair  
17 provider any substantial obligation to use or any restriction on the use of the  
18 tool, software, or documentation to diagnose, maintain, or repair equipment  
19 sold, leased, or otherwise supplied by the original equipment manufacturer,  
20 including a condition that the owner or independent repair provider become an  
21 authorized repair provider of the original equipment manufacturer, or a

1 ~~requirement that a tool be registered, paired with, or approved by the original~~  
2 ~~equipment manufacturer or an authorized repair provider before such part or~~  
3 ~~tool is operational; and~~

4 (III) ~~prohibit an original equipment manufacturer from~~  
5 ~~imposing any additional cost or burden that is not reasonably necessary or is~~  
6 ~~designed to be an impediment on the owner or independent repair provider.~~

7 (C) ~~For documentation, the documentation is made available by the~~  
8 ~~original equipment manufacturer at no charge, except that, when the~~  
9 ~~documentation is requested in physical printed form, a charge may be included~~  
10 ~~for the reasonable actual costs of preparing and sending the copy.~~

11 (5) ~~“Forestry equipment” means nondivisible equipment, implements,~~  
12 ~~accessories, and contrivances used directly and principally in cutting or~~  
13 ~~removing timber or other sold wood forest products, including equipment used~~  
14 ~~to construct, maintain, or install infrastructure necessary to and associated with~~  
15 ~~a logging operation.~~

16 (6) ~~“Independent repair provider” means a person operating in this~~  
17 ~~State, that does not have an arrangement described in subdivision (?) of this~~  
18 ~~section with an original equipment manufacturer, and that is engaged in the~~  
19 ~~services of diagnosis, maintenance, or repair of agricultural or forestry~~  
20 ~~equipment.~~

1 ~~(7) “Original equipment manufacturer” means a person engaged in the~~  
2 business of selling, leasing, or otherwise supplying new agricultural or forestry  
3 equipment manufactured by or on behalf of itself to any individual or business.

4 (8) “Owner” means an individual or business that owns or leases  
5 agricultural or forestry equipment purchased or used in this State.

6 (9) “Part” means any replacement part, either new or used, made  
7 available by an original equipment manufacturer for purposes of effecting the  
8 services of maintenance or repair of agricultural or forestry equipment  
9 manufactured by or on behalf of, sold or otherwise supplied by, the original  
10 equipment manufacturer.

11 (10) “Tools” means any software program, hardware implement, or  
12 other apparatus used for diagnosis, maintenance, or repair of agricultural or  
13 forestry equipment, including software or other mechanisms that provision,  
14 program, or pair a new part, calibrate functionality, or perform any other  
15 function required to bring the product back to fully functional condition,  
16 including any updates.

17 (11) “Trade secret” has the same meaning as in 9 V.S.A. § 4601.  
18 § 4052. REQUIREMENTS.

19 (a) For agricultural or forestry equipment, and parts for such equipment,  
20 sold or used in this State, an original equipment manufacturer shall make  
21 available, for purposes of diagnosis, maintenance, or repair of such equipment,

1 ~~to any independent repair provider, or to the owner of electronics enabled~~  
2 agricultural equipment manufactured by or on behalf of, or sold or otherwise  
3 supplied by, the original equipment manufacturer, on fair and reasonable  
4 terms, documentation, parts, and tools, required for the diagnosis,  
5 maintenance, or repair of such equipment and parts for such equipment,  
6 including any updates to information. An original equipment manufacturer  
7 shall make the documentation, parts, and tools available either directly or  
8 through an authorized repair provider.

9 (b) For equipment that contains an electronic security lock or other  
10 security-related function, the original equipment manufacturer shall make  
11 available to the owner and to independent repair providers, on fair and  
12 reasonable terms, any special documentation, tools, and parts needed to access  
13 and reset the lock or function when disabled in the course of diagnosis,  
14 maintenance, or repair of the equipment. Such documentation, tools, and parts  
15 may be made available by means of an appropriate secure system.

16 § 4053. ENFORCEMENT

17 (a) A person who violates a provision of this chapter commits an unfair  
18 and deceptive act in trade and commerce in violation of 9 V.S.A § 2453.

19 (b) The Attorney General has the same authority to make rules, conduct  
20 civil investigations, enter into assurances of discontinuance, and bring civil  
21 actions as provided in chapter 63, subchapter 1 of this title.

1 ~~§ 4054. LIMITATION~~

2 ~~(a) Nothing in this chapter shall be construed to require an original~~  
3 ~~equipment manufacturer to divulge a trade secret to an owner or an~~  
4 ~~independent service provider.~~

5 ~~(b) No provision in this chapter shall be construed to alter the terms of any~~  
6 ~~arrangement described in subdivision 4151(1) of this section in force between~~  
7 ~~an authorized repair provider and an original equipment manufacturer,~~  
8 ~~including the performance or provision of warranty or recall repair work by an~~  
9 ~~authorized repair provider on behalf of an original equipment manufacturer~~  
10 ~~pursuant to such arrangement, except that any provision in such terms that~~  
11 ~~purports to waive, avoid, restrict, or limit the original equipment~~  
12 ~~manufacturer's obligations to comply with this chapter shall be void and~~  
13 ~~unenforceable.~~

14 Sec. 3. APPLICABILITY

15 ~~This act applies with respect to equipment sold or in use on or after the~~  
16 ~~effective date of this act.~~

17 Sec. 4. EFFECTIVE DATE

18 ~~This act shall take effect on July 1, 2023.~~

~~*Sec. 1. SHORT TITLE*~~

~~*This act may be cited as the Fair Repair Act.*~~

~~*Sec. 2. 9 V.S.A. Chapter 106 is added to read.*~~



~~CHAPTER 106. AGRICULTURAL EQUIPMENT: FAIR REPAIR~~

~~§ 4051. DEFINITIONS~~

~~*As used in this chapter:*~~

~~(1) *“Agricultural equipment” means a device, part of a device, or an attachment to a device designed to be used principally for an agricultural purpose, including a tractor, trailer, or combine; implements for tillage, planting, or cultivation, and other equipment associated with livestock or crop production, horticulture, or floriculture.*~~

~~(2)(A) *“Authorized repair provider” means an individual or business that has an arrangement with the original equipment manufacturer under which the original equipment manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the purposes of offering the services of diagnosis, maintenance, or repair of equipment under the name of the original equipment manufacturer or other arrangement with the original equipment manufacturer to offer such services on behalf of the original equipment manufacturer.*~~

~~(B) *An original equipment manufacturer that offers the services of diagnosis, maintenance, or repair of its own equipment and that does not have an arrangement described in subdivision (2)(A) of this section with an unaffiliated individual or business shall be considered an authorized repair provider with respect to such equipment.*~~

~~(3) “Documentation” means any manual, diagram, reporting output, service code description, schematic diagram, security code, password, or other guidance or information used in effecting the services of diagnosis, maintenance, or repair of agricultural or forestry equipment.~~

~~(4) “Forestry equipment” means nondivisible equipment, implements, accessories, and contrivances used directly and principally in harvesting timber or for on-site processing of wood forest products, including equipment used to construct, maintain, or install infrastructure necessary to and associated with a logging operation.~~

~~(5) “Independent repair provider” means a person operating in this State that does not have an arrangement described in subdivision (2) of this section with an original equipment manufacturer and that is engaged in the services of diagnosis, maintenance, or repair of agricultural or forestry equipment.~~

~~(6) “Original equipment manufacturer” means a person engaged in the business of selling, leasing, or otherwise supplying new agricultural or forestry equipment manufactured by or on behalf of itself to any individual or business.~~

~~(7) “Owner” means an individual or business that owns or leases agricultural or forestry equipment purchased or used in this State.~~

~~(8) “Part” means any replacement part, either new or used, made available by an original equipment manufacturer for purposes of effecting the~~

~~services of maintenance or repair of agricultural or forestry equipment manufactured by or on behalf of, sold or otherwise supplied by, the original equipment manufacturer.~~

~~(9) "Tools" means any software program, hardware implement, or other apparatus used for diagnosis, maintenance, or repair of agricultural or forestry equipment, including software or other mechanisms that provision, 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.~~

~~(10)(A) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:~~

~~(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and~~

~~(ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.~~

~~(B) "Trade secret" does not include a part, tool, or documentation that:~~

~~(i) is necessary to perform diagnosis, maintenance, or repair of agricultural or forestry equipment, and~~

~~(ii) an original equipment manufacturer sells or otherwise makes available to an authorized repair provider in the ordinary course of business to perform diagnosis, maintenance, or repair of agricultural or forestry equipment.~~

§ 4052. AVAILABILITY OF PARTS, TOOLS, AND DOCUMENTATION

(a) Duty to make available parts, tools, and documentation.

(1) An original equipment manufacturer shall offer for sale or otherwise make available to an independent repair provider or owner the parts, tools, and documentation that the original equipment manufacturer offers for sale or otherwise makes available to an authorized repair provider:

(A) subject to subsection (b) of this section, on substantially the same terms; and

(B) subject to subsection (c) of this section, for substantially the same cost.

(2) If agricultural or forestry equipment includes an electronic security lock or other security-related function that must be unlocked or disabled to perform diagnosis, maintenance, or repair of the equipment, an original equipment manufacturer shall make available to an independent repair provider or owner any parts, tools, and documentation necessary to unlock or disable the function and to reset the lock or function after the diagnosis, maintenance, or repair is complete.

~~(3) An original equipment manufacturer may make parts, tools, and documentation available to an independent repair provider or owner:~~

~~(A) directly; or~~

~~(B) through an authorized repair provider, if permitted by an agreement between the manufacturer and the dealer or provider.~~

~~(b) Terms; limitations. Under the terms governing the sale or provision of parts, tools, and documentation, an original equipment manufacturer shall not impose on an independent repair provider or owner:~~

~~(1) a substantial obligation to use, or a restriction on the use of, the parts, tools, or documentation necessary to diagnose, maintain, or repair agricultural or forestry equipment, including:~~

~~(i) a condition that the independent repair provider or owner become an authorized repair provider of the original equipment manufacturer;  
or~~

~~(ii) a requirement that a part, tool, or documentation be registered, paired with, or approved by the original equipment manufacturer or an authorized repair provider before the part, tool, or documentation is operational;~~

~~(2) an additional cost or burden that is not reasonably necessary or is designed to be an impediment on the independent repair provider or owner, or~~

~~(3) an additional burden or material change that adversely affects the timeliness or method of delivering parts, tools, or documentation.~~

~~(c) Costs; limitations.~~

~~(1) Subject to subdivision (2) of this subsection, an original equipment manufacturer shall offer for sale or otherwise make available parts, tools, and documentation to an independent repair provider or an owner at a cost:~~

~~(A) that is fair to both parties, considering the agreed-upon conditions, promised quality, and timeliness of delivery; and~~

~~(B) that includes any discount, rebate, or other financial incentive offered to an authorized repair provider in the original equipment manufacturer's normal course of business.~~

~~(2) An original equipment manufacturer may impose an additional charge for parts, tools, or documentation:~~

~~(A) if, and only to the extent to which, the manufacturer incurs additional costs to make parts, tools, and documentation available for sale, or otherwise available, to an independent repair provider or owner; or~~

~~(B) the parties agree to a material change in cost or terms concerning the sale or provision of the parts, tools, or documentation and agree to an additional charge that is reasonably related to the additional costs arising from the material change.~~

~~§ 4055. ENFORCEMENT~~

~~(a) A person who violates a provision of this chapter commits an unfair and deceptive act in trade and commerce in violation of section § 2453 of this title.~~

~~(b) The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided in chapter 63, subchapter 1 of this title.~~

~~§ 4054. APPLICATION, LIMITATIONS~~

~~(a) This chapter does not require an original equipment manufacturer to divulge a trade secret to an owner or an independent service provider.~~

~~(b) This chapter does not alter the terms of any arrangement described in subdivision 4051(2)(A) of this title in force between an authorized repair provider and an original equipment manufacturer, including the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer pursuant to such arrangement, except that any provision governing such an arrangement that purports to waive, avoid, restrict, or limit the original equipment manufacturer's obligations to comply with this chapter is void and unenforceable.~~

~~Sec. 3. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2025.~~

~~Sec. 1. FINDINGS AND PURPOSE~~

(a) Findings. The General Assembly finds:

(1) The Vermont food, agriculture, and forest sectors are significant components of the State's economy, its rural heritage, and its identity as a State.

(A) According to the Working Lands Enterprise Initiative, about 20 percent of Vermont's land is used for agriculture, while another 78 percent is forested. In surveys conducted by the Initiative, over 97 percent of Vermonters expressed that they value the working landscape.

(B) The 2023 U.S. Food and Agriculture Industries Economic Impact Study found that the food and agriculture industries in Vermont were associated with nearly 104,000 jobs, \$5.2 billion in wages, and \$19.3 billion in economic output.

(C) The Vermont Sustainable Jobs Fund estimates that Vermont's forest products industry generates an annual economic output of \$1.4 billion and supports 10,500 jobs.

(2) Agricultural and forestry activity varies by season, is weather-dependent, and is heavily reliant on having access to increasingly sophisticated agricultural and forestry equipment. Vermont farmers' and foresters' access to safe and reliable equipment is essential to timely planting, cultivating, tilling, and harvesting of produce, protein, grain, timber, and other wood forest products.



(3) The COVID-19 pandemic further highlighted the increased and ongoing need for functional agricultural and forestry equipment as individuals in Vermont increasingly rely on the equipment to guarantee access to food and wood products during periods of supply chain disruption, raw material and commodities shortages, and heightened food insecurity.

(4) Authorized repair providers are important Vermont businesses that play a critical role for farmers and foresters by offering access to diagnosis, maintenance, and repair services for agricultural and forestry equipment.

(5) In general, original equipment manufacturers and authorized repair providers are able to provide independent repair providers and owners with adequate access to necessary parts for agricultural and forestry equipment. However, the continued movement toward computerized agricultural and forestry equipment means that independent repair providers and owners do not have full access to the software, codes, and other information necessary to perform all of the diagnosis, maintenance, and repair services required to ensure equipment remains operational.

(6) Due to workforce and geographic constraints, authorized repair providers are not always able to meet the demand for timely diagnosis, maintenance, or repair services to farmers and foresters in this State.

(7) As for many Vermont employers, critical workforce shortages prevent authorized repair providers from operating at full staff capacity, which

can contribute to costly delays in performing diagnosis, maintenance, and repair services.

(8) The need for more accessible and affordable repair options is felt more acutely among specific sectors of the population, notably Vermont residents in more rural and remote areas.

(9) Original equipment manufacturer shops or authorized repair providers are often located in a small number of locations found in larger communities, which may require technicians and users to travel long distances for repair or be without functioning agricultural or forestry equipment for long periods of time.

(10) Many owners are capable of performing diagnosis, maintenance, and repair services for their equipment, but often lack sufficient access to information necessary to perform repairs. Limits placed on software and operating systems, including capping the number of users and employing proprietary diagnostic and repair programs, have resulted in the pirating of agricultural and forestry equipment software and the hacking of equipment, endangering farmers and foresters in the conduct of their work and potentially causing additional air pollution and environmental harm.

(11) Independent repair providers play a vital role in Vermont's economy. Providing access to information, parts, and diagnostic and repair

tools is essential in contributing to a competitive repair market and allowing independent repair shop employees to fix equipment safely.

(12) In addition to providing better access for timely repair, extending the useful life and efficient operation of equipment can ensure additional benefits for farmers, foresters, and the environment.

(A) Computerized components of modern agricultural and forestry equipment include precious metals that are finite, and unnecessary early disposal can be avoided with greater accessibility to proper and affordable repair.

(B) Emissions of agricultural and forestry equipment are better regulated and limited by functional software and hardware computer elements, thereby increasing the need for access to timely and effective repairs to ensure optimal functionality.

(13) Broader distribution of the information, tools, and parts necessary to repair modern agricultural and forestry equipment will shorten repair times, lengthen the useful lives of the equipment, lower costs for users, and benefit the environment.

(b) Purpose. The purpose of this act is to ensure equitable access to the parts, tools, and documentation that are necessary for independent repair providers and owners to perform timely repair of agricultural and forestry equipment in a safe, secure, reliable, and sustainable manner.

*Sec. 2. SHORT TITLE*

*This act may be cited as the Fair Repair Act.*

*Sec. 3. 9 V.S.A. chapter 106 is added to read:*

*CHAPTER 106. AGRICULTURAL AND FORESTRY EQUIPMENT:*

*FAIR REPAIR*

*§ 4051. DEFINITIONS*

*As used in this chapter:*

*(1) “Agricultural equipment” means a device, part of a device, or an attachment to a device designed to be used principally off road for an agricultural purpose, including a tractor, trailer, or combine; implements for tillage, planting, or cultivation; and other equipment principally associated with livestock or crop production, horticulture, or floriculture.*

*(2)(A) “Authorized repair provider” means an individual or business that has an arrangement with the original equipment manufacturer under which the original equipment manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the purposes of offering the services of diagnosis, maintenance, or repair of equipment under the name of the original equipment manufacturer or other arrangement with the original equipment manufacturer to offer such services on behalf of the original equipment manufacturer.*

(B) An original equipment manufacturer that offers the services of diagnosis, maintenance, or repair of its own equipment and that does not have an arrangement described in subdivision (A) of this subdivision (2) with an unaffiliated individual or business shall be considered an authorized repair provider with respect to such equipment.

(3) “Documentation” means any manual, diagram, reporting output, service code description, schematic diagram, security code, password, or other guidance or information, whether in an electronic or tangible format, that an original equipment manufacturer provides to an authorized repair provider to assist with the services of diagnosis, maintenance, or repair of agricultural or forestry equipment.

(4) “Forestry equipment” means nondivisible equipment, implements, accessories, and contrivances used directly and principally off road in harvesting timber or for on-site processing of wood forest products, including equipment used to construct, maintain, or install infrastructure necessary to and associated with a logging operation.

(5) “Independent repair provider” means a person operating in this State that does not have an arrangement described in subdivision (2) of this section with an original equipment manufacturer and that is engaged in the services of diagnosis, maintenance, or repair of agricultural or forestry equipment.

(6) “Original equipment manufacturer” means a person engaged in the business of selling, leasing, or otherwise supplying new agricultural or forestry equipment manufactured by or on behalf of itself to any individual or business.

(7) “Owner” means an individual or business that owns or leases agricultural or forestry equipment purchased or used in this State.

(8) “Part” means any replacement part, either new or used, made available by an original equipment manufacturer for purposes of effecting the services of maintenance or repair of agricultural or forestry equipment manufactured by or on behalf of, sold or otherwise supplied by, the original equipment manufacturer.

(9) “Tools” means any software program, hardware implement, or other apparatus used for diagnosis, maintenance, or repair of agricultural or forestry equipment, including software or other mechanisms that provision, 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.

(10) “Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(A) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper

means by, other persons who can obtain economic value from its disclosure or use; and

(B) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

§ 4052. AVAILABILITY OF PARTS, TOOLS, AND DOCUMENTATION

(a) Duty to make available parts, tools, and documentation.

(1) An original equipment manufacturer shall offer for sale or otherwise make available to an independent repair provider or owner the parts, tools, and documentation that the original equipment manufacturer offers for sale or otherwise makes available to an authorized repair provider.

(2) If agricultural or forestry equipment includes an electronic security lock or other security-related function that must be unlocked or disabled to perform diagnosis, maintenance, or repair of the equipment, an original equipment manufacturer shall make available to an independent repair provider or owner any parts, tools, and documentation necessary to unlock or disable the function and to reset the lock or function after the diagnosis, maintenance, or repair is complete.

(3) An original equipment manufacturer may make parts, tools, and documentation available to an independent repair provider or owner through an authorized repair provider that consents to sell or make available parts, tools, or documentation on behalf of the manufacturer.

(b) Terms; limitations. Under the terms governing the sale or provision of parts, tools, and documentation, an original equipment manufacturer shall not impose on an independent repair provider or owner an additional cost or burden that is not reasonably necessary within the ordinary course of business or is designed to be an impediment on the independent repair provider or owner, including:

(1) a substantial obligation to use, or a restriction on the use of, the parts, tools, or documentation necessary to diagnose, maintain, or repair agricultural or forestry equipment;

(2) a condition that the independent repair provider or owner become an authorized repair provider of the original equipment manufacturer;

(3) a requirement that a part, tool, or documentation be registered, paired with, or approved by the original equipment manufacturer or an authorized repair provider before the part, tool, or documentation is operational; or

(4) an additional burden or material change that adversely affects the timeliness or method of delivering parts, tools, or documentation.

(c) Costs; limitations. An original equipment manufacturer shall offer for sale or otherwise make available parts, tools, and documentation to an independent repair provider or an owner at a cost:



(1) that is fair to both parties, considering the agreed-upon conditions, promised quality, and timeliness of delivery; and

(2) that does not discourage or disincentivize repairs to be made by an owner or an independent repair provider.

§ 4053. ENFORCEMENT

(a) A person who violates a provision of this chapter commits an unfair and deceptive act in trade and commerce in violation of section 2453 of this title.

(b) The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided in chapter 63, subchapter 1 of this title.

§ 4054. APPLICATION; LIMITATIONS

(a) This chapter does not require an original equipment manufacturer to divulge a trade secret to an owner or an independent service provider.

(b) This chapter does not alter the terms of any arrangement described in subdivision 4051(2)(A) of this title in force between an authorized repair provider and an original equipment manufacturer, including the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer pursuant to such arrangement, except that any provision governing such an arrangement that purports to waive, avoid, restrict, or limit the original equipment

manufacturer's obligations to comply with this chapter is void and unenforceable.

(c) An independent repair provider or owner shall not:

(1) modify agricultural or forestry equipment to deactivate a safety notification system, except as necessary to provide diagnosis, maintenance, or repair services;

(2) access any function of a tool that enables the independent repair provider or owner to change the settings for a piece of agricultural or forestry equipment in a manner that brings the equipment out of compliance with any applicable federal, State, or local safety or emissions law, except as necessary to provide diagnosis, maintenance, or repair services; or

(3) obtain or use parts, tools, or documentation to evade or violate emissions, copyright, trademark, or patent laws or to engage in any other illegal activity.

*Sec. 4. EFFECTIVE DATE*

*This act shall take effect on January 1, 2025.*