

Summary of Senate Committee on Agriculture 1/17/2024 10:15 am meeting on H81: “An act relating to fair repair of agricultural equipment”

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Presentation was done by Rik Sehgal from the Office of Legislative Counsel.

Summary of “Fair Repair Act:”

- The law mandates that original equipment manufacturers (OEMs) must provide access to the same parts, tools, documents available to independent repair providers or owners that it would to authorized repair providers.
 - The OEM cannot impose unreasonable burdens on independent repair providers or owners when providing these parts, tools, and documents that “discourage or disincentivize repairs.”
 - Costs to access parts, tools, and documents must be “fair to both parties”
 - Language is vague to allow room for negotiations that balance needs of both groups.
- The law does not require OEMs to divulge trade secrets. It does not invalidate warranty agreements between OEMs and authorized repair providers.
- Independent repair providers or owners may not alter the equipment in illegal ways. For example: tampering with emissions requirements, disabling safety systems, etc.

Questions, comments, and concerns by committee:

- If equipment is purchased out of state but used in state, is it covered by the law?
 - Yes
- How does the law affect foreign manufacturers of equipment?
 - The law is only enforceable within the United States, so foreign companies could not be held accountable for failing to comply. However, even if the part is made overseas, it is almost certainly sold by a US company or a foreign subsidiary who could be held accountable.
- If a piece of equipment is under warranty but it is taken to an independent shop or repaired by the owner, and the shop or owner damages the equipment, is the warranty still valid?
 - No. That is the current state of law and remains unchanged. No warranty protection for local shops or owners.
 - There is also no method to cover the cost of repairing a vehicle under warranty if not repaired by a warranty-approved provider.
- There are currently several memorandums of understanding between manufacturers and American Farm Bureau Federation related to vehicle repair. How these interact with the law is yet to be examined.