

TESTIMONY ON H.58 – Right to Repair
Jackie Folsom, VT Farm Bureau
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Thank you, Committee, for asking me in to speak to H.58 Agricultural Right-to-Repair Act. Vermont Farm Bureau does not have policy on this issue, but our “fallback” position is to check in with American Farm Bureau. Their policy is quite extensive on this issue and I will quote it below.

However, we did reach out to our members in our weekly Under the Golden Dome and ask for any comments on how this issue affects them. We did not get any responses from farmers who have had problems with equipment repair.

Although it is in American Farm Bureau policy, it is not a priority on the national level. Policy for right to repair is only one section of hundreds of policies listed in the 2021 American Farm Bureau National Policy Book.

Here are the policies for American Farm Bureau on right to repair:

We support (1.4) The right to repair one’s own equipment by amending the Digital Millennium Copyright Act to require agricultural equipment manufacturers to allow equipment owners and independent repair facilities to have access to the same agricultural equipment diagnostic tools and repair information made available to the manufacturers’ dealers and authorized repair facilities. Any penalty for alterations should be limited to the voiding of the warranty, as well as the right of dealers to refuse services and trade on altered equipment.

We support equipment owners and/or independent equipment repair facilities being able to:
Have machine connectivity by way of multiple avenues including onboard screen, smart device, dealer access and other means;
Look up diagnostic codes in manuals, online or from dealer access;
Have and keep the right to do general maintenance and daily servicing. Example: changing oil and filters, periodic servicing and greasing;
Access repair and technical manuals; and
Repair and service equipment during the warranty or extended warranty periods.

We support the implementation of comprehensive right-to-repair legislation or a negotiated written agreement between ag producers and original equipment manufacturers (OEMs). This legislation or agreement must:

Be enforceable;
Guarantee farmer/owner and independent repair technician access to the information, parts and tools that are available to dealerships, including, but not limited to, the ability to reset the operating system, acknowledging pricing structures may be different for farmers/owners vs. independent repair technicians. The diagnostic and repair information and tools must be fairly priced and delivered in a timely manner;
Include all OEM equipment, regardless of age, model or years in use at the time of effective date;

Differentiate between repair (the restoration of hardware to its original intended function) and illegal modification;

Not require any agricultural equipment owner to agree to any contract that removes existing rights;

And

We would support an agreement which grants farmers/owners and independent repair technicians access, similar to the agreement reached in the automobile and light truck owners' industries.

We oppose equipment manufacturers requiring that general maintenance be conducted by one of their dealers to keep the manufacturer's warranty intact.

I believe H.58 would align with these policies and Vermont Farm Bureau supports the language as long as its focus is agriculture based on existing policy within American Farm Bureau.

Thank you –

Jackie Folsom, Legislative Director

Vermont Farm Bureau