

HB 975 -- RIGHT TO REPAIR

SPONSOR: Hovis

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Agriculture Policy by a vote of 10 to 5.

This bill provides that owners of products purchased or used in Missouri and independent repair providers shall have the right to access the same diagnostic and repair information that manufacturers supply to authorized repair providers. Product owners shall also have the right to purchase service parts documentation, and tools from manufacturers in the same manner and time as those parts are given to authorized repair providers. A "product" is any farm machinery or construction machinery.

Product owners and independent repair facilities shall have the right to purchase all diagnostic repair tools from manufacturers on fair and reasonable terms. For equipment with electronic security lock or other security-related function, the manufacturer must make available to owners and independent repair providers, on fair and reasonable terms, any special documentation, tools, and parts needed to disable the lock or function and to reset it when disabled in the course of diagnosis, maintenance, or repair of the equipment.

Products sold for security-related purposes may not be programed to exclude diagnostic, service, or repair methods to reset a security-related electronic function. Manufacturers are not legally responsible for the content and functionality of such diagnostic repair tools so long as the manufacturers comply with the rest of the bill, the bill does not require the divulgence of a trade secret.

However, no manufacturer shall be required to provide repair information or service parts to a product owner if the product is still covered by a repair or replacement warranty.

The bill also provides a complaint provision for consumers and independent repair providers for violations of the bill and is punishable by a \$10,000 fine per violation. The Attorney General is required to enforce its provisions.

This bill is similar to HB 2369 (2020).

PROPONENTS: Supporters say that for years farmers have repaired their own equipment, but as technology has advanced, manufacturers have not released the information necessary to do similar repairs on newer equipment. This has led to more downtime for farmers as

they have to wait for repair technicians to fix equipment.

Testifying for the bill were Representative Hovis; Mark Blackwell; and Missouri Farm Bureau. Additional written testimony was submitted online in support of the bill.

OPPONENTS: Those who oppose the bill say that the bill would have far reaching unintended consequences by giving access beyond the basic tools necessary for minor repairs. Currently, you can purchased the tools necessary from the dealer without being granted access to modify licensed software.

Testifying against the bill were Craig G. Murray, Heritage Tractor; Eric Wareham, Western Equipment Dealers Association; Associated Industries Of Missouri; Tom Nobbe, Sydenstricker Nobbe Partners, Inc.; Missouri Chamber of Commerce & Industry; and Aaron Porter. Additional written testimony was submitted online in opposition to the bill.

OTHERS: Others testifying on the bill say that copyright laws protect manufacturers' software and that right to repair laws can conflict with warranties. However, 37% of Missouri residents live in rural areas and lack quick access to farm equipment repair technicians. This leads to increased downtime.

Testifying on the bill were Eleni Bickell, Missouri Science & Technology Policy Initiative. Additional written testimony was submitted online for informational purposes.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.