



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 975		DATE: 3/9/2021	
COMMITTEE: Agriculture Policy			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. AC "HONEST-ABE" DIENOFF-STATE PUBLIC ADVO		PHONE NUMBER:	
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**I am Full Support of this Bill. A Bill that finally totally makes sense and is on the side of the Consumer.
Watch the Testimony in Opposition by all of the Mnaufacturing Associations.**



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WITNESS NAME			
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WITNESS NAME			
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WITNESS NAME: BRIDGET SANDERSON		PHONE NUMBER: 913-449-8825	
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Chairman Rone and Members of the Committee, As the director of Environment Missouri, a citizen-based environmental advocacy organization, I speak on behalf of our members across the state in support of HB 975. If passed, this bill will support our farmers and small repair shops in the state of Missouri. By creating an economy of repair we can provide autonomy for farmers with regards to the equipment they purchase and reduce our waste in the state. Environment Missouri believes that if a farmer buys equipment to provide food for Missouri families, they should be able to choose where they fix that equipment. We ask the members of the Committee to vote yes on HB 975. While this bill focuses primarily on agriculture equipment and heavy construction machinery, we should first discuss repair as a whole. Farmers use a lot of technology, from the tablets mounted inside the tractor to the GPS and cell phones they use to communicate, to the HVAC and refrigeration systems they use in their barns to the irrigation technology in their fields. We want farmers to have the ability to repair every part of their equipment. Electronic waste is quickly becoming the fastest growing waste issue. According to the EPA we are throwing out 2.25 million tons of electronics every year, including 416,000 cell phones, and about 80% of that ends up in our landfills. It is estimated that about 40% of the heavy metals in our landfills come from e-waste. These toxic materials are leaking and possibly damaging our soils and waters in Missouri. The easiest way to reduce our waste issue when it comes to electronics is to keep these products in use, when possible, and out of our landfills. Many original equipment manufacturers (OEMs) claim that if we open up the options for repair, farmers will override emissions control on their equipment and the legal ramifications will fall back on the OEMs. Environment Missouri finds these claims alarming but also knows it is demonstrably false. When it comes to emissions requirements set by the EPA, removing emissions controls is already illegal. This bill doesn't change legality when it comes to emissions requirements, diagnostic tools do not enable illegal modifications. The EPA is the legal enforcement body with emissions requirements, not the dealership. Not every town in Missouri has a John Deere dealership. The current repair monopoly is making it so that only giant corporate farms can afford to buy new equipment, and for the small farmer it's not economically feasible to buy new instead of used equipment and spare parts. Farmers can shell out \$300,000 on new equipment. However, when that equipment shuts down due to a computer fault and repair takes hours, or even days, charging monopolized pricing for repair, the farmers yield and livelihoods are at stake. Because of this we are seeing more farmers choosing to buy older models of equipment which are easier and less costly for them to repair. The idea that these new models are becoming obsolete to the small farmer and essentially junk because they can not easily repair their own equipment is a huge resource dump and waste issue. In order to reduce our waste, farmers should be able to repair, instead of replacing their equipment. Repair is a valid, legally protected activity. The measure in question is already in place for consumer automobiles. One is able to take their car to the mechanic of their choice

and they can get the parts and repair manuals needed to fix it. And in 2018, the U.S. Copyright Office ruled that repair is a legal act and not a violation of federal copyright protections. It is wrong that we have a few powerful companies telling their customers where they have to fix their equipment. What Missouri has are many intelligent, capable people who are able to fix this equipment. All they are asking for is fair access to the parts and information they need to keep this equipment in use. This law would finally give them that opportunity. For the sake of our farmers and small businesses in Missouri we respectfully urge the committee to vote yes on HB 975. Thank you Chairman Rone and members of the Committee. Sincerely, Bridget Sanderson
Director Environment Missouri



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WITNESS NAME			
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WITNESS NAME: GAY GORDON-BYRNE		PHONE NUMBER: 518-251-2837	
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The Repair Association Testimony in Favor of Right to Repair -- HB 975 (Hovis)The Repair Association is a 501c6 Trade Association of repair professionals. Our more than 450members repair, refurbish, resell and recycle electronics. While we aren't farmers, we are experts inrepair of electronics --- which are the elements within farm and ranch equipment that are most likelyto be impossible to repair by anyone other than the OEM or the dealer. We hope that ourperspective on repair of electronics is useful to you when considering this legislation.Summary of Right to Repair PrinciplesRight to Repair bills are necessary to restore the right of the owner to fix 100% of their purchases.The manufacturer sold it, was paid in full, and transferred ownership at the point of purchase. "Rightto Repair" has nothing to do with the technology, size, shape, price or software application.Hardware is tangible property. Licenses are not. Farm businesses must have the ability to keeptheir equipment up and running to stay in business with or without help from the originalmanufacturer.Independence from the manufacturer is critical. OEMs are businesses that can merge, fail, or bebought out. Relying on a promise today for a future that might include better access to repair, as in voluntary agreement, is tenuous at best. We've seen many examples in the tech world of productswhere repairs are available one day and not the next when ownership changes.Rural locations are more likely to be underserved not only for repair technicians, but for electricity,telephone, and internet services. The more repair services are tied to the full functioning of utilitiesor other businesses, the greater the risk. A tornado, as an example, can easily cripple internetervice, which under these monopolized programs, will prevent local repair. Right to repair will makeit possible for agriculture to be more resilient.Farm Equipment is designed to be repaired, but the equipment owner is left out of the repairprocess. This bill returns the owner to their rightful role as owners and not renters. The onlyrequirement of this bill is for manufacturers to make available the same service materials that theycreated for their own repair technicians to their customers and independent repair businesses.There are no mandates in this bill on formats, pricing, design, parts availability or method of deliveryas we see coming out of Europe. The costs of compliance should be minimal as manufacturers(through their dealers) will be selling to a broader audience rather than a relatively small number ofdealers.Impacts of Repair Monopolies:Total reliance on repair from the manufacturers and their dealer network is not only anti-competitive,but results in significant delays in farming with no advantage to the producer.Manufacturers benefit most when farmers buy new equipment and trade it frequently for newermodels. Dealers benefit most when farmers must come to them exclusively for any form of repair --because they make many times more money on repairs (5X) than on equipment sales.Farmers have totally opposite interests. They want to buy equipment that they can keep using fordecades, and at the lowest possible price. Repair monopolies have enormous value to themonopolist -- and everyone should expect they will not willingly agree to allow competition for thesevaluable services without statute.It took state law passed

first in 2012 Massachusetts to restore competition to repair of automobiles. The reason you can take your Toyota or your Ford to your neighborhood mechanic is because of state legislation. Commercial trucks came to a similar agreement in 2015 -- leading to the absurd situation where a Cummins engine in an over-the-road truck is easily repairable but the same engine in a tractor is not. The bodies of these products are definitely different, but the electronics are the same. Repairing a broken wire or replacing a burnt out sensor is the same task regardless of the product. Farmers should have the same legal access to repair when buying a pickup truck or a manure spreader.

Active Statute: Unfair and Deceptive Acts and Practices (UDAP) States have control of general business law, and not the federal government. The auto industry successfully used state consumer protection statutes (UDAP) to address the imbalance of negotiating power between manufacturers and auto buyers. Farmers need the same protections for the same reasons for their off-road purchases. Farmers are not able to negotiate terms and conditions as equals and are helpless when forced to accept unfair and deceptive contracts such as "End User License Agreements" (EULA). EULA are the contracts that change the original rights to repair inherent in ownership law, and modify them to remove those rights. EULA are written to be ignored, and if read, are written to confuse and obfuscate. Further, farmers are "deemed to have accepted" these contracts by turning on the ignition. There is no escaping these terms and conditions. This is why legislation is needed to prevent the farmer from losing important rights of ownership removed unfairly and deceptively in EULA or similar contracts.

Absence of Competitive Options It is no longer possible for farmers to avoid repair monopolies with their wallets. There has been enormous consolidation and mergers of brands, to the point where 3 brands now share 85% of the market and they are using the same types of policies to monopolize repair. We expect that as a result of statute, manufacturers will compete again in the free market for the quality of their service, as has happened with motor vehicles.

Opposition Positions We have attended multiple hearings over the past few years where opposition from the Association of Equipment Manufacturers (AEM) and the Equipment Dealers Association (EDA) has been provided in both written and verbal form. There are 7 assertions commonly made, none of which apply to the actual legislation.

1. **Lost of Proprietary Rights** The first claim we often hear in opposition to Right to Repair (regardless of product) is that manufacturers will lose their "Proprietary" rights. This is demonstrably not true and we see these claims made less frequently. But each state is a new audience so we expect these claims may pop up at any time. The word "Proprietary" refers to a suite of rights that include Copyrights, Patents and Trade Secrets. All of these rights are federal, and as such, off limits to changes in state legislation. Copyrights are rights of distribution, and repair is not distribution. Copyrighted materials are not secret, as is often assumed. You buy a copyrighted book to read it. You cannot make copies and sell those copies. Repair documentation is often copyrighted, which means that the author (manufacturer) controls rights of distribution. Firmware may also be copyrighted, but under copyright law is fully legal to backup and restore for purposes of repair. Patents are rights of production, and repair is not manufacturing. Trade Secrets are of no use to repair, and are specifically disclaimed. Manufacturers lose the protection of trade secret law when distributing materials. No manufacturer puts trade secrets, or any other kind of secret, into repair documentation. Since manufacturers are legally entitled to control distribution of copyrighted materials -- only the manufacturer provides essential repair materials. Legislation is necessary to make it possible for farmers to acquire this information.
2. **Repair is complex** -- only the OEM has the skills to make repairs. All computerized products are complex -- but repair is not complex. We know this as experts in complex repairs from mainframes to cell phones. Manufacturers design diagnostics, parts, tools, firmware and documentation to make their own technicians efficient as complex repairs are labor intensive. Without the same materials designed by manufacturers to be used to make repairs. Independent or self-repair is impossible and impractical. The impact is that competition is blocked resulting in repair monopolies.
3. **Repair materials will enable hackers and nefarious bad actors to do bad things.** This is not possible unless the manufacturer included back doors or other cyber-security holes in their products. Since this is highly unlikely, over the past 7 years we have repeatedly asked opposition for examples so that we can work with our cyber experts to make legislation better, but have never been provided a single example.
4. **OEMs will be forced to divulge "Source Code"** This is a very confusing statement since the only code necessary for repair is created by the manufacturer for purposes of repair. Most commonly this means restoring firmware (embedded software) that may have been lost during the repair process or the permissions necessary to match spare parts to the system. There is nothing in this legislation that requests source code.
5. **Farmers just want to hack their tractors to avoid emissions requirements** The bill doesn't change anything about emissions tampering which is already illegal. Emissions laws and regulations are federal, and state legislation cannot pre-empt federal law. With or without Right to Repair, tampering is a real issue but it is not an issue of repair. Furthermore, farmers are subject to fines and penalties for illegal tampering by the EPA, which has separate requirements for manufacturers or dealers selling equipment which is not approved for purchase in the US. Once sold, the farmer is responsible for her own fines, just as automobile owners are responsible for their own fines.
6. **Farmers will be unsafe if allowed to make**

repairs. This is highly unlikely as repairs of electronics are far less dangerous in a physical sense than mechanical repairs. Farmers know about safety and personal risk as a part of daily life. With electronics, manufacturer provided diagnostics are created to make problems easier to diagnose. The same diagnostics are used to confirm repairs are complete -- eliminating the worry about an incompletely repaired product running out of spec and wreaking harm. In the world of complex electronics -- the technician doesn't determine if the repair is complete -- the diagnostics make that determination. If problems persist even after diagnostics state the repair is complete - that is a serious support defect that can only be resolved by the manufacturer. For some brands, such as John Deere, there is an additional step for making a complete repair which puts Deere back in control of the repair, even if the repairs have been made by the farmer or an independent technician. Deere, and only Deere, can provide the updated embedded software (firmware) that tells the main computer that a new part has been installed. Without that final download from Deere -- the parts don't work and the repair isn't functional. This bill only asks that equipment owners be given the means to request the firmware change -- not to make that change themselves. 7. Farmers will "chip", "mod", "hack" their engines to gain more horsepower. Farmers do this already. This bill has no impact on these practices and makes no attempt to encourage or discourage changes to engine performance. This bill has no impact on how trade-in values are determined, nor how private contracts between used sellers and buyers are constructed. The only purpose of this bill is to restore the option of repair to the owner. Summary Repair monopolies in agriculture are real, they are dangerous, and if left to proliferate -- will not disappear on their own. Businesses won't be able to treat their investments as assets, won't be able to borrow against them as collateral, and won't be able to put them on the books. Everything that was owned will now be a piece of software wrapped in metal -- and will have to be expensed. This is not what we expect when we buy, rather than rent, things. Manufacturers have not offered any reasons that they alone should be allowed to monopolize the use of their product post-purchase, despite all the obvious impacts of such complex and convoluted repair systems. We do not ask manufacturers to change their systems, only to cease preventing customers from accessing those systems on fair and reasonable terms. Respectfully, Gay Gordon-Byrne Executive Director, The Repair Association



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WITNESS NAME			
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WITNESS NAME: JOHN		PHONE NUMBER: 573-761-5610	
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Representing the folks that grow chickens and turkeys for Tyson Foods, Cargill, Butterball, Georges and Simmons Foods. Thank you.



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WITNESS NAME: KEVIN O'REILLY		PHONE NUMBER:	
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RE: MoPIRG support for HB 975 On the farm, the fields must be plowed, planted or harvested whether or not your tractor or combine harvester is running. When their equipment does break down, generations of farmers have found a way to fix their equipment and get the job done. But now, equipment manufacturers refuse to give farmers all of the tools that they need to fix their stuff—especially the software tools to install replacement electronics—leading to delays of hours to weeks while the farmer waits for the dealership to make the repair. Farm equipment, much like all of the devices and gadgets in our lives, is increasingly driven by software. While this software has increased the efficiency of some tasks, it has also allowed manufacturers to take increasing control of the repair process. The sensors and control systems that feed this software with data have been integrated into most of the functions of modern combine harvesters, tractors and other farm equipment. In cases where a mechanical issue engages safety or emissions control systems, or some part of those systems fail, the immobilizer is activated. This sends the machine into “limp mode,” which disables most of the equipment’s functionality and only allows the machine to “limp” out of the way of other work until it is repaired and the error codes are cleared. Without the software tools needed to diagnose problems, install replacement parts and authorize repairs, the engagement or failure of any sensor or control system forces a farmer to either haul their machine into the nearest dealership or wait for a field technician to arrive to complete the repair. Farmers’ inability to repair software-connected systems without proprietary software is a glaring example of how farm equipment is engineered to be dependent on dealership support. Our research shows how prevalent this practice has become: U.S. PIRG Education Fund found as many as 125 sensors in a single combine. Each sensor is connected to a controller network. A problem with any one of those controller networks will require diagnostic tools not available to farmers, sending them back to the dealer for a repair. According to agricultural equipment experts, these sensors and their associated controller networks are now the highest point of failure on the product. When repair options are limited by software or other restrictions, it can create a de-facto repair service monopoly. Manufacturers’ monopoly on repair has a real impact on farmers’ livelihoods. Without independent repair shops or the ability to fix their own stuff, they are exposed to high repair costs and long wait times. This report describes some of these delays and the associated difficulties and expenses. Manufacturers defend these behaviors by claiming that providing farmers with the repair resources available to dealerships would lead to illegal modifications that could override safety and environmental controls, claims that this report shows are false. There is, however, a strong financial incentive to capture repair business. John Deere company filings pointed to trends that services and repair have been as much as three to six times as profitable as new equipment sales for John Deere and its dealerships. There are many examples that demonstrate how farmers are frustrated by the challenges in maintaining equipment. Some are paying unprecedented prices for

older tractors—like the 1980 John Deere 4440 that sold for \$43,500 in Lake City, MN in April 2019—because they are actually fixable. Others, like Nebraska farmer Kyle Schwarting, are hacking their tractors with versions of John Deere Service Advisor cracked and made available on torrent websites based in Eastern Europe. Farmer organizations are increasingly supporting policy solutions to eliminate repair hurdles. The American Farm Bureau Federation, the National Corn Growers Association and the National Farmers Union submitted a public comment to the U.S. Copyright Office requesting, “exemption for agricultural vehicle owners to diagnose, repair, and lawfully modify the computer programs contained in and controlling the functioning of their mechanized agricultural vehicles,” in 2018 as a part of the triennial rulemaking process laid out by section 1201 of the Digital Millennium Copyright Act. Right to Repair legislation—which would provide farmers with access to the parts as well as the physical and software tools used to diagnose, calibrate and otherwise authorize repairs—is also gaining popularity amongst farmers. Over 30 states have considered these reforms, the American Farm Bureau Federation adopted a pro-Right to Repair policy in 2020, and the Montana Farmers Union indicated a 2021 bill in its state is a top priority. This report outlines why farmers need the right to repair their equipment. Absent these reforms, farmers are reliant on dealerships for many fixes and are exposed to high costs and long wait times that cut into already thin profit margins. Despite industry claims, Right to Repair legislation would not provide farmers with the ability to bypass safety or environmental controls, nor would it expose manufacturers to potential loss of intellectual property. It would, however, provide farmers with what they need to get back to work when their equipment goes down.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: MARK BLACKWELL		PHONE NUMBER:	
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WITNESS NAME			
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WITNESS NAME: PAUL A LEYKAMP		PHONE NUMBER:	
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Farmers need the right to repair, which this bill seems to solidify.			



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WITNESS NAME			
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WITNESS NAME: AARON PORTER		PHONE NUMBER:	
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WITNESS NAME			
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BUSINESS/ORGANIZATION NAME: MURPHY TRACTOR & EQUIPMENT CO., INC.		TITLE: PRESIDENT	
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I am testifying as President of Murphy Tractor & Equipment Co., a John Deere Construction Equipment Dealer with locations in Kansas City, MO and Springfield, MO. We are responsible for selling and servicing John Deere Construction equipment in the western half of Missouri out of these locations. To support providing parts and service to our customers we employ 73 parts and service personnel in these locations and operate 18 field service trucks. Those service trucks respond to customer needs day and night. The content of HB975 will place us in direct violation of Federal Emissions laws and Federal Safety statutes. It will impact the sale and purchase of used equipment because customers will not know what has been changed or repaired on a machine. The safety of our customer's employees will be endangered if machines are allowed to be altered by users in a way that may make it unsafe to operate. Altering the base code of a machine could allow it to operate faster than it is designed to, which could cause the operator to lose control and have an accident. Such accidents could endanger the safety of the operator and/or others. Requiring manufacturers to sell tools and parts at cost to equipment owners puts at risk the entire dealer model of doing business. If we do not have earnings from selling parts and service we do not need as many employees which will lead to potentially making them unemployed. As it is today, we are working on plans to expand our operations in Kansas City and Springfield. Those plans will not be completed if HB975 is passed in Missouri. We currently stock several million dollars of parts to support our construction customers. If HB975 is passed we will reduce that stock and users will have to wait for parts to be shipped from central warehouses. In both the Ag and Construction business no one wants their machine to be down waiting on parts. HB975 will cause much more down time for customers when dealers are not there to support them locally. Most contractors today have staff to handle simple repairs but rely heavily on the dealers to stock parts and provide trained technicians to do repairs. The higher technology in machines today has been driven by the emissions regulations that manufacturers must comply with and a desire by users to improve efficiency of the machines. Due to ongoing labor supply shortages contractors want machines that are easier to operate, more powerful, will move more material faster. Those goals require the machine to have more technology to achieve those goals. Another element that is missing from HB975 is any kind of liability protection for the manufacturer and dealer selling those machines. We all know that if property is damaged or destroyed or lives are harmed that there will be lawsuits. How can the court hold a manufacturer or dealer liable if they have no control over what users do to the machines once they are sold to the end user? While the original intent of HB975 might have been good this bill is not feasible to go forward in our current society. I ask that it not be approved by the committee for the sake of safety, jobs, and the negative impact on many businesses in Missouri. Thank you for the opportunity to testify.



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WITNESS NAME			
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WITNESS NAME: BILL MIDKIFF		PHONE NUMBER: 870-273-8221	
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EMAIL: bmickiff@gogreenway.com	ATTENDANCE: Written		SUBMIT DATE: 3/8/2021 11:07 AM
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I am submitting testimony on behalf of Greenway Equipment, Inc. which operates 5 full-service John Deere Dealership locations in Southeast Missouri. We currently employ 88 full time residents and provide service and support to customers across 11 counties in the state. As a privately held and family-owned organization, we take great pride in our involvement and support of the communities in which we operate. Moreover, as farmers ourselves, we take great pride in our commitment to serving our customers in agriculture every day. Our opposition to HB975 is based on several key facts relevant not only to our business, our employees, our growers, and our customers, but also to the safety and well-being of all Missouri residents. First and foremost, our concern with the current legislation being presented is safety. As a dealer with contractual obligations to our manufacturers, we have both a legal and ethical responsibility to ensure all machines sold or repaired by our staff are done so in a manner that places the highest possible degree of emphasis on safeguarding the end user and general public. In the proposed bill, the "Independent Repair Provider" or "Owner" would be at potential liberty to alter or make repairs to certain aspects of machinery. These actions could subsequently limit the implementation of necessary safety procedures that would otherwise be applied and create unsafe protocols as a byproduct of the process. When these mistakes are inevitably made, the issues will potentially be both difficult to recognize as well as costly to reverse. Furthermore, operating under no contractual guidelines or limitations prevents the "Independent Repair Provider" or "Owner" from facing true liability in the event an issue arises and absolves him/her from any responsibility to the downstream end-users of the machinery. Consequently, all liability is shifted to the manufacturer or dealer instead of the truly responsible party if a failure occurs. Our Second Concern is the ability to protect and enforce emissions compliance. The U.S. Clean Air Act requires equipment manufacturers to build-in base level tampering safeguards. Restricting access to the software that defines a machine's emissions performance is part of these base-level tampering safeguards. As a Dealer required to operate under this Federal Act, we are also held responsible and liable for any tampering or modification to Emissions controls or systems and face severe penalty for noncompliance. Allowing access to these software systems will endanger not only the ability to detect tampering, but also cause downstream liability for other farmers if units are resold and this tampering is undetected. Third, giving "Independent Repair Provider(s)" or "Owner(s)" access to a machine's software systems and the capability to modify its code can create mass uncertainty in the used equipment market for both dealers and customers. Modifications outside of a machine's intended design cause excess wear, thus impacting the life and value of the machine and its components. Moreover, unsuspecting farmers risk being held liable for fines and possible injury due to inaccurate or nonexistent documentation of system alterations. In ending, we firmly believe consumer diagnostic software programs that are currently available from most manufacturers are sufficient for resolving most repairs faced by our

customers today- without sacrificing safety, emissions, or other needed protocols. It is our opinion that the full access to software, tools, and parts as is written in HB 975 is not needed. We respectfully oppose passage to this bill and graciously thank you for your time.



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 975		DATE: 3/9/2021	
COMMITTEE: Agriculture Policy			
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: CRAIG G. MURRAY		PHONE NUMBER: 913-901-6257	
BUSINESS/ORGANIZATION NAME: HERITAGE TRACTOR		TITLE: DIRECTOR, PARTS & SERVICE	
ADDRESS: 13134 NW CR - 31			
CITY: ADRIAN		STATE: MO	ZIP: 64720
EMAIL: cmurray@heritagetractor.com	ATTENDANCE: In-Person	SUBMIT DATE: 3/6/2021 1:25 PM	
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My name is Craig Murray. I work for Heritage Tractor(HTI), a 21 store John Deere farm equipment dealer. We have 13 stores in Missouri and employ nearly 300 people in the state, of which 200 of them work in parts and service with over 100 technicians. I'm here to today to talk about why we oppose HB 975 . The proposed legislation is unnecessary and divisive with far-reaching unintended consequences. What this bill intends to achieve is already available to farmers and ranchers from John Deere in the form of the Customer Service Advisor 5.2 product. John Deere has fulfilled an industry commitment to provide greater access to diagnostic capabilities for a broad range of products including tractors, combines, sprayers, hay and construction equipment. The Heritage Tractor Customer Service ADVISOR package includes:1. Access to Owners and Technical manuals2.

Ability to look up diagnostic code's3. Machine diagnostic connectivity with the Electronic Data Link (EDL) 4. Ability to perform machine calibrations that require the EDL5.

A renewable, one year laptop lease that includes data updates6. User Training & SupportIn addition to already making Customer Service Advisor 5.2 services available to all customers, Heritage Tractor is making or has made the following investments in Missouri to expand our capacity to serve Missouri farmers and ranchers.1. Shop expansions - In 2020 & 2021 Heritage Tractor will invest over \$4,000,000 in facility upgrades and shop expansions at our Joplin, Anderson and Rogersville facilities. This will result in an overall 15% increase in technician capacity.2.

Service Trucks - In the last 12 months Heritage Tractor has invested over \$2,000,000 in 16 new service trucks, all equipped with cranes. This allows technicians to perform major repairs, including engine removal and replacement, in the field, onsite at the customers location. 3.

Parts Inventories - Heritage Tractor has increased parts inventories by \$3,000,000 over the last 12 months which has resulted in HTI achieving among the highest customer parts fill rates in the United States & Canada and contributes to keeping customers machines operating during the most critical times of the year. 4. Training - Each year, Heritage Tractor invests over \$500,000 to send our parts and service personnel to over 5,000 hours of training. Well trained technicians means repairs can be made in the most efficient manner possible which maximizes uptime for customers and minimizes cost. 5. JD Tech Program - Heritage Tractor currently has several students enrolled in various two-year, Associate Degree John Deere Tech training programs.

When they graduate, qualified candidates are offered full time employment to work as a technician at Heritage Tractor. Over the course of 24 months, Heritage Tractor reimburses each graduate 100% of the cost of their tuition and books.

In addition, Heritage Tractor pays for the candidates first \$1,500 worth of tools sold to them at 0% margin. Finally, HTI employs each JD Tech candidate on a part time basis while they attend school and complete a minimum of three

program internships with HTI. 6. Customer Experience - Heritage Tractor completes over 350,000 parts and service transactions on an annual basis. All customers who provide HTI proper contact information and purchase over \$50 in parts or \$100 in service are offered the opportunity to formerly evaluate their experience in doing business with Heritage Tractor. Heritage Tractor closely monitors the results of those surveys and our most recent data tells us that nearly 80%(Net Promoter Score) of our customers rate us a 9 or a 10 when we ask them "Would you recommend Heritage Tractor parts and service to a friend?" Net Promoter Score is a widely utilized and accepted customer experience methodology used at many, many global corporations and an 80% score represents outstanding performance. Every heavy equipment dealer representative in MO, representing all manufacturers, is making similar investments as Heritage Tractor so that they can provide the most positive customer experience possible. HB 975 Issues1. Allowing owners and third parties to perform warranty work.a. By contract, Heritage Tractor is specifically obligated to provide:i.

Highly qualified, well trained, parts and service personnelii. Personal development programs including participation in appropriate Company Trainingiii. Maintaining adequate parts inventoriesiv. Investing in state of the art diagnostic equipment and field service vehicles and tools. v. Parts and Service faculties that are sufficient to achieve Performance Standards set by the Company. b. In addition, Heritage Tractor is required to submit annually a business plan that details:i. Plans and time-based actions that will be taken to achieve multiple key performance standardsc. Finally, all manufacturer dealer representatives are held strictly accountable to specific Warranty Manual and Bulletin instructions including periodic audits that ensure true and accurate warranty information is being submitted.d. Allowing owners and third parties to perform warranty work without being held to the same standards will create an unacceptable and uneven playing field for dealers based on the investments currently being made and manufacturer requirements associated with delivering warranty service to customers.e. Allowing owners and third parties to perform warranty work and holding them accountable to the same requirements as dealers will add cost to manufacturers and third parties which will ultimately increase customer costs.

2. Parts to anyone at cost.a. For all heavy equipment dealers, margins made on parts are specifically used to invest back in the business including:i. Increasing the depth and breadth of parts inventories which directly results in increasing parts fill rates to customers and maximizes their uptime.ii. Improving employee benefits including health care, 401k match, employee wages & bonus', training and paid time off. iii. Improving, expanding facilities and adding technicians and service trucks which yields increased capacity to serve customersiv. Selling parts at cost to any customer will decrease all of the investments noted and ultimately lower dealer capacity to serve customers and increase customer costs. 3. Access to manufacturer engineering specs for security locks and security related functions.a. John Deere dealers do not have access to this level of equipment function today. b. Providing this level of access to proprietary engineering specs creates a significant risk of owners and third parties to vastly increase emissions beyond current legal limits while at the same time potentially increasing manufacturer warranty costs which will ultimately increase customer costs. c. Additional risk for consumers and dealers is created when an owner modifies a machine and subsequent owners are not made aware of the modifications when the machine is traded in or resold. The risk of catastrophic failure is significantly elevated in that scenario. 2021 represents the 184th year John Deere has been in business, Deere is one of the oldest, most iconic brands in the world. It's not an accident that Deere has been in business this long. Deere and it's dealers have succeeded for so many years because we have a long and deep history of providing value to customers in the form of the machines they purchase, the support they receive after their purchase and their overall ownership experience. This has been accomplished by very detailed, sound, purposeful and continuously improving business practices performed by manufacturers and dealers. John Deere Customer Service ADVSIOR 5.2 is one such example. HB 975 proposes requirements that will detract manufacturer and dealers' ability to expand capacity and serve customers. Ultimately, HB 975 will increase customer costs, we urge you to vote no on this bill. Thank you for your service to all MO constituents.



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BILL NUMBER: HB 975		DATE: 3/9/2021	
COMMITTEE: Agriculture Policy			
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: ERIC WAREHAM		PHONE NUMBER:	
REPRESENTING: WESTERN EQUIPMENT DEALERS ASSOCIATION		TITLE:	
ADDRESS:			
CITY: KANSAS CITY		STATE: MO	ZIP: 64141
EMAIL: ewareham@westerneda.com	ATTENDANCE: In-Person		SUBMIT DATE: 3/5/2021 10:36 AM
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BILL NUMBER: HB 975		DATE: 3/9/2021	
COMMITTEE: Agriculture Policy			
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: GREG KNIPP		PHONE NUMBER: 816-604-7902	
BUSINESS/ORGANIZATION NAME: MURPHY TRACTOR & EQUIPMENT		TITLE: REGION DIRECTOR	
ADDRESS: 8600 NE PARVIN RD			
CITY: KANSAS CITY		STATE: MO	ZIP: 64161
EMAIL: gknipp@murphytractor.com	ATTENDANCE: Written		SUBMIT DATE: 3/5/2021 1:44 PM

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Chairman and members of the Committee. My name is Greg Knipp and I am a Region Director for Murphy Tractor & Equipment Co. with two dealerships located in the State of Missouri. We are part of a multi-location construction equipment dealership network. My testimony today is in opposition to HB975. We believe and support the ability of customers to be able to repair their own equipment as they are doing today. This is nothing new. Our parts departments are stocked with thousands of parts currently available and our parts counters help customers buy parts everyday from open to close all for the purpose of supporting our customers to work on their own equipment. We also offer a software subscription from John Deere to the customer "Customer Service Advisor" which allows advanced diagnostic capabilities for John Deere equipment. I do not think legislation is needed to require us to provide the these items already available today.A related concern to HB975 is safety and workplace safety while working on customer sites. As a professional dealer network we take safety seriously both at our branch locations and at our customers worksites where ever they may be. We follow Federal safety regulations both at our locations and at our customers field jobsites. HB975 promotes open code access. With open code access who will responsible when unauthorized software modifications are deliberately made, or chipping the horsepower beyond factory specifications which can cause unplanned safety issues? Construction equipment is built following strict Federal emission standards. Manipulating or tampering with emission parts on equipment will result in non-compliance and equipment maintenance issues. We are factory trained in this area are others? We invest in equipment, our people, training and stand behind what we represent. The overall picture is just much bigger than HB975. I thank you for your time and consideration in opposing HB975.Sincerely,Greg Knipp



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TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: HAROLD CHAPMAN JR.		PHONE NUMBER: 573-819-9640	
BUSINESS/ORGANIZATION NAME: CROWN POWER & EQUIPMENT CO.,LLC		TITLE: GENERAL MANAGER	
ADDRESS: 1881 PRATHERSVILLE ROAD			
CITY: COLUMBIA		STATE: MO	ZIP: 65202
EMAIL: hchapman@crown-power.com	ATTENDANCE: Written		SUBMIT DATE: 3/8/2021 4:10 PM
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TO: Missouri House Agricultural Policy Committee Members Thank you for the opportunity to provide comment on behalf of Crown Power & Equipment. We currently operate ten retail locations throughout Missouri. We employ over 180 employees at this time. We oppose HB 975 for the following reasons: 1. We do not think the bill is necessary. Currently, most everything a customer would need to diagnose or repair their equipment is already available. This includes operators and technical manuals, diagnostic routines, tools, parts, schematics as well as electronic service capabilities. Legislation is not needed to require us to provide things that are already available in the marketplace today. 2. Our business has made a huge investment in parts inventories, employee training, tools service trucks, etc to ensure our customers can remain up and running. We support our local schools, contribute significantly to the local economy, partner with the local FFA and 4H chapters, provide scholarships for students to go to school and then return to our communities to live and work. The essence of this bill represents a huge threat to our presence in our communities. We are often one of the largest employers in our area – and we want to continue to grow and support our hometowns. 3. Allowing open access to the code creates a tremendous safety concern. In our operation – and on every farm I am aware of, safety is the number one concern. Improperly modifying the software on a machine can potentially cause one of our employees or our customers to be injured or even killed. These machines are very sophisticated. We spend thousands of dollars every year ensuring our team has the proper training and tools to keep the customer up and running – but to do so safely. Even we do not have open access to the manufacturer's software- nor do we need it. The access this bill asks for creates safety hazards and quite frankly puts my employees, my customers and my business at risk. 4. Today, we already see a huge problem with something called "chipping" – where a customer has increased the horsepower of an engine, often far beyond the manufacturer's specs. This results in premature wear of the machine – again a safety hazard. We also see a lot of units that have had their emissions systems "defeated" – or overridden. These defeated machines do not meet federal emissions standards. This is something our organization can be fined for by the EPA if we resell a noncompliant machine. This bill asks for the ability to override security features, which just further enables this illegal practice. 5. We many times have no way of recognizing that the machine was ever tampered with or modified, because the software was set back to manufacturers specs prior to being traded in. Or, if it hasn't been set back, we have no way of knowing WHAT was changed. Simple, yet catastrophic things like steering direction would be undetectable. This means that I could potentially be misrepresenting the equipment to the next buyer since I am unaware of the extent of damage done when it was run under modification. It also undermines the overall integrity of the used equipment market. Besides the huge liability this presents from a safety and compliance standpoint, my business' reputation is at stake. We take tremendous pride that we represent our company, our employees, our owners and our manufacturers with honesty

and honor. We stand behind what we sell and recognize that our customer's success is our success. 6. Make no mistake that we DO fully support our customers having the ability to repair their equipment. But we do not support unauthorized and unsafe modification - for all the reasons I've talked about such as safety, liability, emissions, open access to code. Therefore, I ask you to please vote no on HB 975. Sincerely, Harold Chapman Jr. General Manager



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: LOWELL HARTZLER		PHONE NUMBER: 816-380-7733	
BUSINESS/ORGANIZATION NAME: HEARTLAND TRACTOR COMPANY		TITLE: PRESIDENT	
ADDRESS: 30211 SOUTH EAST OUTER ROAD			
CITY: HARRISONVILLE		STATE: MO	ZIP: 64701
EMAIL: lowell.hartzler@heartlandtractor.com	ATTENDANCE: Written		SUBMIT DATE: 3/5/2021 3:51 PM

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Chairman Roan, Vice-Chair Francis and House Agriculture Policy Committee Members I respectfully write in opposition to HB 975 because, in our industry, this bill is un-necessary and ill-advised. My name is Lowell Hartzler, my family and I are the owners of Heartland Tractor Company, a farm and rural lifestyle equipment dealership with locations in Harrisonville, Nevada and Lamar Missouri. Our company has served our community of customers since 1977 and we employ over 50 people in our work, selling and supporting great equipment. Our business and our industry are built on long-term relationships with our customers. We hold on to those relationships based on the service and support we provide after a piece of equipment is sold. Uptime of the machines purchased by our grower / producer customers and professional users is critical to them and a key driver in our business model. A purchaser of Case IH equipment can now acquire a subscription to the diagnostic software. Customers can purchase the same operator's manuals, parts manuals, technical manuals and technical schematics that my technicians use. Customers can access "how to videos" on a number of service and maintenance topics. And, customers that want to do repair have always readily been able to identify, find and purchase the parts they need, from our dealership or elsewhere, when they need them. Further, customers have full access to our highly trained and equipped service technicians, in our shop, or at the customer's location. I also should add that with each generation of new tractors and equipment the on-board diagnostic capability is enhanced, and the operator has significantly greater access to diagnostic and issue correcting information. Likewise, we continue to see vast advancements in our ability to perform secure remote access to a customer's tractor to help the customer understand and deal with any machine issues. There are numerous areas of HB 975 that are of great concern to our business and the entire off-road equipment industry: the ambiguous terminology that describes the sale of service parts to customers and independent repair providers under "fair and reasonable terms"; the ambiguous and ill advised language regarding the performance of warranty by parties other than authorized dealers; the authorization of remote diagnostics to untrained and unauthorized users; the resetting of immobilizer systems without regard to the reason or purpose of the immobilization and the conflict created with existing emissions laws and standards; to name just a few. The owner of a piece of equipment has the right to lawfully repair his or her equipment. However, modifying or reverse engineering the embedded software, or re-programming software can create a situation where the machine does not meet customer expectations, may exceed acceptable emission levels per the Clean Air Act, or might create an unsafe environment for those operating the vehicle, those by-standers near the vehicle, independent repair providers or my technicians repairing the vehicle. I can tell you that authorized dealers like us do not have access to the embedded software code or the ability to reprogram software in the machines we sell. Finally, this bill purports not to interfere with existing contracts our business has in place with OEM suppliers, but in reality, it does

exactly that. The bill fails to respect existing contracts as well as the substantial investment we and our employees have made in our business and the communities we serve. This bill blurs the line separating repair, which our industry whole-heartedly supports, and machine modification, particularly in the areas of environmental compliance, safety, and product durability / reliability, which we cannot support. For these reasons we ask that the House Committee on Agriculture Policy render a DO NOT PASS on HB 975. Thank you for your time and consideration. Lowell J Hartzler President Heartland Tractor Company



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COMMITTEE: Agriculture Policy			
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MATT MORROW		PHONE NUMBER: 417-450-6774	
BUSINESS/ORGANIZATION NAME: SPRINGFIELD AREA CHAMBER OF COMMERCE		TITLE: PRESIDENT AND CEO	
ADDRESS: 202 S. JOHN Q. HAMMONS PARKWAY			
CITY: SPRINGFIELD		STATE: MO	ZIP: 65806
EMAIL: lmustoe@springfieldchamber.com	ATTENDANCE: Written		SUBMIT DATE: 3/8/2021 8:53 PM

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Chairman Rone and members of the House Committee on Agriculture Policy: On behalf of the Springfield Area Chamber of Commerce and our over 1500-member businesses, please accept this letter of opposition to House Bill 975. HB 975 would change consumer product laws to expand access to diagnostic repair information on farm and construction machinery. This expanded access could have unintended consequences, including putting individuals in harm's way and impacting jobs and community investment. The Chamber supports the continued ability of independent repair shops and purchasers to have access to service parts, diagnostic and repair manuals and electronic diagnostic tools to repair equipment. Due to current safety protocols, the only areas not accessible are reprogramming of controllers and the ability to impact engine or emissions systems. This information is currently only supplied to authorized repair providers from the manufacturer to protect the safety of the customer; expanding this access could increase the occurrence of accidents. The Chamber supports the protection of intellectual property and safety balanced with an appropriate level of consumer access and ability to repair equipment. House Bill 975 would alter this current balance, and we encourage opposition. Sincerely, Matt Morrow President and CEO, Springfield Area Chamber of Commerce 202 S John Q Hammons Parkway Springfield, MO 65806



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BILL NUMBER: HB 975		DATE: 3/9/2021	
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TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: MATTHEW PANIK		PHONE NUMBER: 573-634-3511	
REPRESENTING: MISSOURI CHAMBER OF COMMERCE & INDUSTRY		TITLE:	
ADDRESS: 428 EAST CAPITOL AVENUE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/9/2021 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MATTHEW ROLAND		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME: ROLAND MACHINERY CO.		TITLE: PRESIDENT	
ADDRESS: 816 N DIRKSEN PKWY			
CITY: SPRINGFIELD		STATE: IL	ZIP: 62702
EMAIL: mroland@rolandmachinery.com	ATTENDANCE: Written		SUBMIT DATE: 3/8/2021 11:38 AM

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Roland Machinery is an OEM Authorized Distributor with 4 full service facilities in Missouri (Brigdeton, Cape Girardeau, Columbia and Palmyra). The product heavy construction equipment that we sell and service is extremely technical. We spend on 60-100 hours a year per technician training to provide the best uptime for our customers. Additionally there is major EPA engine requirements which requires additional 40+ hours of certified training. These investments are significant and required by OEM's so the customers get the best performing machinery. Non-trained technicians repairing Heavy Earth Moving Machines bring increase in safety and EPA issues. Modifications to equipment outside of OEM engineered intent is very risky. OEM warranty and safety liabilities would be void. Currently the machines we distribute have self diagnostic features that helps the customer know the failure and call for the correct part. This is working in the Construction Industry already. There is no need for HB975. It opens up liability of Safety and PerformanceThe auto industry has a growing EPA issue with non OEM authorized technicians modifying emmissionized engines for greater performance and the expense of the environment. Trucks and cars are now driving around illegally



MISSOURI HOUSE OF REPRESENTATIVES
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TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: PAUL T. COMBS		PHONE NUMBER: 573-717-3040	
BUSINESS/ORGANIZATION NAME: BAKER IMPLEMENT COMPANY		TITLE: PRESIDENT	
ADDRESS: 915 HOMECREST STREET			
CITY: KENNETT		STATE: MO	ZIP: 63857
EMAIL: paul.combs@bakerimplement.com	ATTENDANCE: Written		SUBMIT DATE: 3/6/2021 3:40 PM

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TO: Chairman Rone, Vice-Chairman Francis, and House Agriculture Policy Committee Members **FROM:** Paul T. Combs, President, Baker Implement Company, Kennett, MO. I respectfully write in opposition to HB 975. This bill is un-necessary and ill-advised for the heavy-duty off-road equipment community in Missouri. Baker Implement Company is a family-owned CaseIH farm equipment dealership headquartered in Kennett, with seven locations operating in Southeast Missouri. Our company has served the agriculture community since 1938. The foundation of our business rests upon on long-term relationships with our customers and the service we provide with every piece of equipment we sell. Baker Implement supports an owner's right-to-repair. However, HB 945 blurs the line between repair and machine modification, particularly in the areas of environmental compliance, safety and product performance, durability, and secondary market integrity. Service Tools for Customers: An owner of Case IH equipment can now acquire a subscription to the diagnostic software that our trained technicians use in our service departments. Likewise, customers can purchase the same operator's manuals, parts manuals, technical manuals and technical schematics that our technicians use. Machine Modification - Environment and Safety: Access to embedded software, or re-programing machine software, can create a situation where the machine does not meet customer expectations, may exceed acceptable emission levels per the US Clean Air Act, or create an unsafe environment for operators, by-standers, independent repair providers, as well as my technicians repairing the equipment. Authorized dealers like us do not have access to the embedded software code or the ability to reprogram software in the machines we sell. Machine Modification - Secondary Market: Machine modification injects a level of uncertainty into the trade-in equipment marketplace that is unacceptable. The implications, financial and otherwise, of unknowingly trading-in equipment that has less than expected durability and reliability due to software driven modifications can be significant for the buyers of used equipment, dealers, and those that finance used equipment purchases. Finally, by dictating pricing and imposing OEM direct sales to consumers, HB 975 fails to respect the long-standing relationships with customers and contracts in place between our dealership and our major OEM suppliers. For these reasons we ask that the House Committee on Agriculture Policy render a **DO NOT PASS** recommendation on HB 975.



MISSOURI HOUSE OF REPRESENTATIVES
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COMMITTEE: Agriculture Policy			
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: RAY MCCARTY		PHONE NUMBER: 573-634-2246	
REPRESENTING: ASSOCIATED INDUSTRIES OF MISSOURI		TITLE: PRESIDENT/CEO	
ADDRESS: 3234 W. TRUMAN BLVD.			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
EMAIL: rmccarty@aimo.com	ATTENDANCE: In-Person		SUBMIT DATE: 3/8/2021 1:51 PM

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This bill would require manufacturers to disclose intellectual property by disclosing software code to those requesting it. The ability to make equipment run at levels exceeding the equipment's safety and longevity presents obvious liability and security concerns for manufacturers and consumers, including secondary consumers that buy used equipment. Farmers are already able to repair their own equipment using tools provided by their dealers. We oppose this bill.



MISSOURI HOUSE OF REPRESENTATIVES
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TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: ROB CARNEY		PHONE NUMBER: 217-791-0043	
REPRESENTING: CATERPILLAR INC.		TITLE: MANAGER OF STATE GOVERNMENT AFFAIRS	
ADDRESS: 600 S. SECOND STREET, SUITE 101			
CITY: SPRINGFIELD		STATE: IL	ZIP: 62704
EMAIL: carney_rob@cat.com	ATTENDANCE: Written		SUBMIT DATE: 3/8/2021 8:08 AM
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Record of appearance only



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 975		DATE: 3/9/2021	
COMMITTEE: Agriculture Policy			
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: TOM NOBBE		PHONE NUMBER: 618-779-8857	
BUSINESS/ORGANIZATION NAME: SYDENSTRICKER NOBBE PARTNERS, INC.		TITLE: CO-CHAIRMAN	
ADDRESS: 806 OLIVERS WAY			
CITY: WATERLOO		STATE: IL	ZIP: 62298
EMAIL: tnobbe@snpartners.com	ATTENDANCE: In-Person	SUBMIT DATE: 3/5/2021 11:39 AM	
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I plan to show my concerns for this bill and why it is not necessary for our Customers and Independent Repair Shops who want to diagnosis and repair their equipment.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: WARREN STEMME		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: warren.stemme@gmail.com	ATTENDANCE: Written		SUBMIT DATE: 3/8/2021 8:21 PM
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March 9, 2021 House Agriculture Policy Committee 201 W. Capitol Ave. Jefferson City, MO 65101 Committee Members, Re: House Bill 975 I am submitting written testimony in opposition to HB 975. I operate a fourth generation row-crop farm St. Louis County. We produce soybeans, corn and wheat near the MO River in west St. Louis County. We primarily use John Deere equipment on our farm, and have a very good and long standing relationship with the John Deere dealership in our area. Although we typically use John Deere technicians to service and repair our equipment, other farmers may use independent repair technicians. Manufacturers and dealers, such as John Deere, have made technical repair manuals, repair tools and diagnostic equipment, available to independent repair technicians. Since this is already available, it is not necessary to provide legislation requiring this. If the real intent in this legislation is to allow independent repair technicians to access embedded codes in the computer systems on farm equipment, this creates another set of issues. Allowing an independent repair technician to access and change embedded codes would create safety, emissions, and warranty issues. This would create liability issues for the equipment owner, dealer, and manufacturer. Finally, the resale value of equipment would be affected, as a dealer accepting a piece of equipment on trade would have no way of knowing if the embedded codes had been changed to say, increase horsepower while a farmer owned and used the equipment, and then had it changed back to its original specs, prior to trading it in. A dealer would offer a lower price for the trade-in, as a result of that unknown factor. This would jeopardize the relationship between dealers and farmers. This would also affect prices in farmer-to-farmer trades or sales. Again, I ask that the members of this committee oppose this legislation. Thank you for the opportunity to share this message. Sincerely, Warren Stemme warren.stemme@gmail.com 314-614-8897



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: ELENI BICKELL		PHONE NUMBER: 573-808-7755	
BUSINESS/ORGANIZATION NAME: MISSOURI SCIENCE & TECHNOLOGY POLICY INITIATIVE		TITLE: DOCTOR	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 3/9/2021 12:00 AM
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MAUREEN MAHONEY		PHONE NUMBER: 608-234-8452	
BUSINESS/ORGANIZATION NAME: CONSUMER REPORTS		TITLE: SENIOR POLICY ANALYST	
ADDRESS: 1 MARKET STREET, SPEAR TOWER, STE. 3600			
CITY: SAN FRANCISCO		STATE: CA	ZIP: 94105
EMAIL: maureen.mahoney@consumer.org	ATTENDANCE: Written		SUBMIT DATE: 3/8/2021 1:18 PM
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Consumer Reports appreciates your committee holding a hearing on HB 975. Our organization has long supported this “right to repair.” Enacting this right for farm equipment will better ensure that farmers have the choice to fix their own electronics-enabled farm equipment, if they can, or to have it fixed by a repair servicer of their choosing, including servicers independent of the manufacturer. Our organization has developed a model act to help guide state legislators. And we have also incorporated this principle into the Digital Standard, a set of best practices that we use to evaluate the privacy and security of software, digital platforms and services, and internet-connected products, as well as to help influence the design of these products. It is important to safeguard and maintain farmers’ ability to exercise their full rights of ownership over the farm equipment they purchase, including the right to repair it, and the right to resell it, even as technology evolves. Unfortunately, it’s often difficult for farmers to make simple repairs on their expensive farm equipment. Not only is this machinery frequently being designed in a way to intentionally prevent easy repair, but manufacturers are clamping down on access to the diagnostic information, and repair tools, and replacement parts needed to fix it. Some manufacturers even put digital locks on equipment to block third-party repair. These tactics force farmers to rely on the manufacturer, or the manufacturer’s chosen servicer, to fix their equipment. The manufacturer is then free to charge whatever it wishes. This can be particularly challenging for farmers, who may live far from authorized repairers. We applaud you for your leadership in considering this important legislation. We look forward to working with you and others to secure an effective right to repair for farmers.