



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 698		DATE: 4/24/2023
COMMITTEE: Rural Community Development		
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. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: arniedienoff@yahoo.com	ATTENDANCE: Written	SUBMIT DATE: 4/24/2023 11:40 PM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.		

I am in Support of this Bill and ones Right To Repair their Assets. Owners shall have the right to access Diagnostic and Repair Documents as a Repair Shop. This Bill is a No Brainer and makes Total Sense. Let's Get this Bill Moving Fast!



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: BENJAMIN KNOTTS		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: enderknotts@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 4/24/2023 10:03 PM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.		

I urge you to pass HB 698. The Right to Repair all devices, but especially farm equipment is very important. Farmers and farming is very important to the well-being of communities and their economies. Currently, manufacturers of farm equipment, like John Deere, have a monopoly on the repair of the equipment they make. Official repair services are often far from farms, slow, and unnecessarily expensive. This is especially problematic for farming, a very time-sensitive profession, and being forced to go to the manufacturer can lead to large losses of profit. Independent repair is very safe once given the proper documentation and resources like official repair stores are given, and it allows repairs to be done much quicker, cheaper, and more locally. Manufacturers are quick to give myriads of excuses why they prevent repair, or try to make the appearance that access to repair is not a problem, as seen in the Memo. of Understanding between John Deere and the American Farm Bureau Federation. All of these common arguments against Right to Repair have been repeatedly debunked by various sources, including by the Federal Trade Commission in their 2021 "Nixing the Fix" Report. The actions that make it seem like manufacturers are already doing something about repair access are just false promises to dissuade legislation enshrining the Right to Repair. We cannot depend on manufacturers to increase access to repair, because it is much more profitable for them to actively prevent repair, so new equipment of theirs is bought. Independent repair helps keep old equipment useful for longer. It is very important that we protect our farmers' Right to Repair, so I ask you, please support HB 698 and the Right to Repair. Thank you.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: JARED WILSON		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 4/24/2023 12:00 AM
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: MICHAEL BERG		PHONE NUMBER: 314-644-1011	
REPRESENTING: SIERRA CLUB MISSOURI CHAPTER		TITLE: POLITICAL DIRECTOR MISSOURI SIERRA CLUB	
ADDRESS: PO BOX 432010			
CITY: SAINT LOUIS		STATE: MO	ZIP: 63143
EMAIL: Michael.Berg@sierraclub.org	ATTENDANCE: Written	SUBMIT DATE: 4/24/2023 9:12 AM	
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The Sierra Club Missouri Chapter supports this "right-to-repair" bill. Individuals, small business owners and farmers should have the opportunity to use their own labor and talents to repair their own property. This is a win-win proposition for consumers, small businesses and individuals.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: WES SHOEMYER		PHONE NUMBER: 573-881-8882	
BUSINESS/ORGANIZATION NAME: FARM ACTION		TITLE: MEMBER	
ADDRESS: 309 TERRACE CIRCLE			
CITY: MEXICO		STATE: MO	ZIP: 63487
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/24/2023 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: WILLIE CADE		PHONE NUMBER: 773-562-3377	
BUSINESS/ORGANIZATION NAME: FARM ACTION/REPAIR.ORG		TITLE: LOCAL LEADER	
ADDRESS: 3642 NORTH SPRINGFIELD AVENUE			
CITY: CHICAGO		STATE: IL	ZIP: 60618
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/24/2023 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: CHAD SCHAFFTER		PHONE NUMBER: 573-473-5501	
BUSINESS/ORGANIZATION NAME: SYDENSTRICKER NOBBE PARTNERS		TITLE: VICE PRESIDENT OF AFTERMARKET	
ADDRESS: 4803 SOUTH CLARK			
CITY: MEXICO		STATE: MO	ZIP: 65265
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/24/2023 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: CRAIG MURRAY		PHONE NUMBER: 913-901-6257	
BUSINESS/ORGANIZATION NAME: HERITAGE TRACTOR		TITLE: DIRECTOR OF AFTERMARKET	
ADDRESS: 13134 NORTHWEST COUNTY ROAD 31			
CITY: ADRIAN		STATE: MO	ZIP: 64720
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/24/2023 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: DAVID KEDNEY		PHONE NUMBER: 636-343-9970	
BUSINESS/ORGANIZATION NAME: LUBY EQUIPMENT SERVICES		TITLE: EXECUTIVE VICE PRESIDENT	
ADDRESS: 2300 CASSENS DRIVE			
CITY: FENTON		STATE: MO	ZIP: 63026
EMAIL: dkedney@lubyequipment.com	ATTENDANCE: Written	SUBMIT DATE: 4/21/2023 2:24 PM	

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

Position: Luby Equipment Services, is a Missouri based and family-owned dealer of CASE Construction and Takeuchi Equipment, opposed to HB 698. HB 698 is a threat to the well-being of the heavy equipment industry in the State of Missouri. We urge the Committee to vote NO when considering this product right-to-repair legislation. **Background:**Luby Equipment Services is a locally owned and operated firm that has been serving Missouri since 1977. We have three dealerships state-wide to serve construction & heavy equipment needs of a wide variety of individual customers and businesses. We respect the long-standing tradition of equipment owners repairing their equipment and choosing their service providers. We work closely to ensure Missouri consumers have access to highly trained, well equipped technical and repair personnel, who are supported by significant investment in repair parts, facilities, and systems. HB 698 is a lose/lose outcome for our company and our customers. The language defining “fair and reasonable terms” for obtaining a part or tool or documentation means: at costs and terms that are equivalent to the most favorable costs and terms under which the original equipment manufacturer offers the part, tool, or documentation to an authorized repair provider. F&R Terms definition ensures two outcomes: 1) Our dealership loses: our dealership locations will no longer have an economic incentive to stock and inventory service parts for customer needs. Our service parts business revenue and profitability will be significantly diminished, and our overall business will suffer; 2) Our customers lose: because our economic incentive to inventory parts is diminished, the service levels, the expertise, and the timeliness of customer support when they need support will diminish. Service parts ultimately become a commodity, and no one has an incentive to provide great service to the end user customer. Further, if our company is to survive this change, the price of machines will have to rise. A lose/lose scenario. HB 698 fails to anticipate execution and future technology of heavy-duty equipment: o remote dealer direct telematic connected machine – diagnostics. o “smart machines” that provide sensing and control to-and-from attachments; o autonomous operated machinery and o alternative fuel sources (hydrogen, methane and electric) Industry is best equipped to solve the issue: • The heavy equipment industry has a long history of solving issues without legislative interference. Major suppliers in our industry make tools available to customers now and are committed to make information available in the future: ? Documentation? Diagnostic Tools? Parts? Training on best practices for machinery maintenance and repair We very much appreciate your consideration, and we welcome the opportunity to create a solution that meets the needs of Missouri construction contractors. Please feel free to call upon us if we may provide input. Sincerely, David Kedney Executive Vice President 636-343-9970 www.lubyequipment.com



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: JACOB KNAEBEL		PHONE NUMBER: 573-893-4181	
REPRESENTING: MISSOURI CORN GROWERS ASSOCIATION		TITLE:	
ADDRESS: 3118 EMERALD LANE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/24/2023 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: JEFFREY P. ABOUSSIE		PHONE NUMBER: 314-566-9933	
REPRESENTING: OPERATING ENGINEERS LOCAL 101 & 513		TITLE:	
ADDRESS: 3449 HOLLENBERG DRIVE			
CITY: BRIDGETON		STATE: MO	ZIP: 63044
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/24/2023 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: KIPP MCGUIRE		PHONE NUMBER: 771-208-4009	
REPRESENTING: NORTH AMERICAN EQUIPMENT DEALERS ASSOCIATION		TITLE: DIRECTOR OF GOVERNMENT AFFAIRS	
ADDRESS: 10100 N AMBASSADOR DR, SUITE 310			
CITY: KANSAS CITY		STATE: MO	ZIP: 64153
EMAIL: kmcguire@naeda.com	ATTENDANCE: In-Person	SUBMIT DATE: 4/23/2023 11:58 PM	

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In OPPOSITION to HB 698The North America Equipment Dealers Association is an international trade association representing approximately 4,500 farm, industrial and outdoor power equipment dealers in North America. Through the sale of equipment, parts, and service, our dealer members work in partnership with farmers and ranchers across Missouri to make them the most productive and competitive producers in the world.The proposed legislation is unnecessary and divisive with far-reaching unintended consequences. Major farm equipment manufacturers and dealers are committed to providing greater access to parts, tools, documentation, and diagnostic capabilities for farm equipment. A survey of dealers conducted by a third party confirmed that we are a leading industry in supporting customer self-repair. The results of that survey are available upon request.Three of the primary stakeholders involved in this matter have formalized their commitment to support customer repair. Memorandums of Understanding have been signed by those parties in which they state that legislation is unnecessary on this issue.Additionally, fixing the price of parts at the most favorable costs offered to authorized repair providers would have drastic consequences for equipment dealers, their customers and independent repair shops. The average dealership stocks over \$1 million in parts inventory per location. Fixing the cost of that parts inventory will result in dealers being forced to significantly reduce their parts inventory. They will also be put in direct competition with the manufacturers they represent for the sale of parts. Either option will put dealerships out of business and paradoxically reduce the availability of on-hand parts available to customers and independent repair shopsFinally, if passed, this bill would likely be held unconstitutional. First, it violates the state and federal contracts clause by interfering with dealer/manufacturer agreements. Second, the bill would likely be pre-empted by federal copyright law and the Clean Air Act.For these reasons, we stand in opposition to HB 698.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: PHILLIP ARNZEN		PHONE NUMBER: (573) 634-3511	
REPRESENTING: MISSOURI CHAMBER OF COMMERCE		TITLE:	
ADDRESS: PO BOX 149			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/24/2023 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: RAY MCCARTY		PHONE NUMBER: 573-680-9478	
BUSINESS/ORGANIZATION NAME: 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: 4/23/2023 8:25 PM	

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This bill is more appropriately described, "Right to Modify" as the "right to repair" already exists. Third parties will use the explicit authority in this legislation to obtain the software code necessary to modify farm and construction equipment. Also, the bill implements government price fixing of repair parts. There is a memorandum of understanding nationally between farm equipment manufacturers and the farm community. We strongly oppose this bill.



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BUSINESS/ORGANIZATION:			
WITNESS NAME: RAY MCCARTY		PHONE NUMBER: 573-680-9478	
BUSINESS/ORGANIZATION NAME: 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: 4/20/2023 11:45 AM	

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Associated Industries of Missouri opposes this bill because the right to repair already exists. This bill provides the means for parties other than equipment manufacturers and authorized repair personnel to obtain source code (trade secrets), perform modification of equipment and then reset the equipment before selling the equipment, institutes price controls for parts, increases the liability of manufacturers and equipment dealers, and decreases the value of modified equipment for secondary purchasers of previously modified and reset equipment.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: BEN TRAVLOS		PHONE NUMBER: 573-893-1400	
REPRESENTING: MISSOURI FARM BUREAU		TITLE:	
ADDRESS: 701 SOUTH COUNTRY CLUB DRIVE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/24/2023 12:00 AM	
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