

**WRITTEN TESTIMONY OFFERED ON BEHALF OF LESLIE EQUIPMENT COMPANY
IN OPPOSITION TO: S.B. 73**
Sent Via Email Committee on Financial Institutions and Technology

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Hearing: March 21, 2023, at 9:30 AM

Dear Chairman Wilson and Honorable Committee Members:

First and foremost, I would like to thank you for taking the time to read my testimony in response to S.B. 73. My name is Cary Leslie and I work at Leslie Equipment Company where my father is owner and President. Leslie Equipment Company has been a licensed John Deere dealer for over five decades. We are a family business with three generations currently working throughout our eight locations in West Virginia, Kentucky, and Ohio. We employ nearly 250 people in total. On behalf of my father, family, business, and coworkers, **I would like to express firm opposition to S.B. 73 unless amended to exclude the non-road industry.**

I will start off by addressing the ambiguous and puzzling language of this bill. First, I was quite confused to see the specific target of the bill is construction and outdoor equipment. This bill seeks to legislate something that is already widely available. Leslie Equipment has numerous John Deere customers that already use a myriad of tools on John Deere's website to both self-diagnose and repair their own machines. A subscription based diagnostic tool called "Customer Service Advisor" is currently available for purchase along with parts and service manuals. John Deere products, just like all other technologies, are constantly evolving. In the near future, John Deere will launch a mobile device interface that will work off of 4G technologies. The answers any owner may seek will be available with the assistance of only a cell phone.

PARTS: As someone that was raised in the small business environment, I cannot fathom how any person could deem requiring a licensed dealer to sell their parts at cost including discounts fair and reasonable to anyone. It is simply unconscionable to me. Our company employs the parts personnel, trains them, enters into contracts for bulk orders, and stores these parts- all for the convenience of our customers. Every single day customers come into our locations seeking parts so they themselves can go install them on their machines to be up and running as quickly as possible. It benefits no one in our line of business for a customer to have a down machine. In construction, like many industries, time is money. If machines are down our customers are losing money. Thus, they will not be making other purchases.

We house over \$10 million in parts throughout our locations. We try to stock everything a customer may need in a hurry. We do transfers between locations to ensure the best possible service to our customers. I cannot tell you the number of times I have personally met customers with parts so they could have them as quickly as possible. Removing all profit from parts sales would hurt our business, employees and mostly the customers this bill is supposed to be helping. Warehouses are expensive. Shipping massive amounts of parts products is costly. We pay multiple parts employees that

count on those paychecks to support their families. With no monetary incentive to house parts, we simply could not afford the overhead to do so. People would lose jobs.

Customers would be hurt the most. The ability to stop in and have one of our experts help them determine the parts they need and have them in hand on a single visit would disappear. The cost of having a machine down and waiting on parts to be shipped from John Deere would certainly be much higher than the profit margin we make by keeping those parts stocked.

SAFETY: The language of S.B. 73 is shocking in the far reach it gives owners as far as diagnosis and repairs. Owners would be given more freedom with diagnosis and repair “tools” than authorized repair providers contracted with John Deere, like Leslie Equipment Company. Our technicians go thru continual training to keep up with the advancements in technology on these massive machines. At LEC alone millions of dollars have been spent sending technicians to in-person training and virtual continuing education classes. The machines are so complex that often technicians with decades of training under their belts still have to consult co-workers to make a correct diagnosis. This bill would give owners the ability to override all safety and emissions guidelines that have been meticulously set for a machine. We, as a dealership, do not even have all those capabilities.

What happens then? The purpose of the bill may be to make repairs, but will the consequences be just that? Absolutely not. The bill may say owners MAY not alter safety and emissions controls, but still gives them that ability. There will be owners that will no doubt tamper with those controls. A machine may not be going quickly enough for their liking so amping up the horsepower would be a great idea. Thus, emissions would exceed federal law and the machine becomes even more dangerous than it already was. Think of all the untrained operators that are hired onto construction jobs. Their safety would undoubtedly be compromised by either working on or operating a machine they are not trained to use; the risk would be much greater if safeties were shut off in the name of progress.

In closing, I would just like to reiterate that S.B. 73 would be to the detriment to the non-road industry. Parts availability and machine safety should be at the forefront of any concern among those in the construction industry. Those are our customers, an extension of our Leslie Equipment family, and we want the ability to look out for them for generations to come. We ask that the non-road exemption below be adopted if this bill is to move forward.

Thank you for your time.

Sincerely,

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Non-Road Amendment as enacted in New York State

Manufacturers, distributors, importers or dealers of all off-road (non-road) equipment, including without limitation, farm and utility tractors, farm implements, farm machinery, forestry equipment, industrial equipment, utility equipment, construction equipment, compact construction equipment, road-building equipment, mining equipment, turf, yard and garden equipment, outdoor power equipment, portable generators, marine, all-terrain sports and recreational vehicles (including racing vehicles), stand-alone or integrated stationary or mobile internal combustion engines, other power sources, (including without limitation, generator sets, electric/battery and fuel cell power), power tools, and any tools, technology, attachments, accessories, components and repair parts for any of the foregoing.