



Employee Owned. Customer Focused.

3/20/2023

Senate Financial Institutions and Technology Committee
The Ohio General Assembly
State Capitol – Columbus, OH

Opposition to SB 73

Dear Senator Kunze

Our company history dates back over fifty years and, like most of our customers, we are a proud, family owned and operated business. We serve agriculture customers in Ohio from our locations in Circleville, Eaton, Georgetown, Plain City, Utica, and Wilmington. We also operate additional locations in Indiana.

I respectfully ask that the industry-wide exemption language (see below) be amended into SB 73 and that the bill in its current state not pass out of Committee as written.

Farm and construction equipment are highly sophisticated machines and every year we invest heavily in training people, the latest technology and the product support infrastructure that enables us to support our customer's success.

Our company, and our major suppliers, support our farmer's and contractor's right-to-repair. We do so by making available the same technical manuals, parts manuals, schematics and diagnostic software that our technicians use in their daily work.

We oppose because we cannot support the potential for modification of the software that controls the environmental and safety features of the equipment we sell and support. Nor can we support the parts sales mandate in the bill which will significantly damage our business and our investment in customer support.

A mandate that our OEM supplier's sell repair parts direct to customers and repair providers is a disastrous proposition for our business and the off-road equipment businesses across Ohio. Likewise, this proposition is a loss for equipment owners in

Ohio. Were this provision to pass, our company would no longer have the economic incentive to stock repair parts at our Ohio locations. Customers would suffer from diminished support and our business would no longer have the economic capacity to employ parts experts that support customer's needs in their daily operations.

We support our farmer's and contractor's right-to-repair. The same repair manuals our technicians use for service work are available to farmers and contractors. The manuals are not free-of-charge to our company and should not be free-of-charge to the public. Likewise, our leading suppliers make the same diagnostic software tools that our technicians use available to farmers and contractors on a subscription basis – this is the same way our company accesses the software tools and again, these are not free-of-charge.

As you may know, New York recently passed a Digital Fair Repair Act (S4104-A/A7006-B) into law. The New York law exempts heavy-duty off-road equipment. The exemption language reads as follows:

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.

New York recognized the vast differences in products that were to be included in their original right-to-repair bill. The NY bill sponsors recognized the potential environmental impact of tampering with emissions control systems on engines and the potential safety hazards of equipment that has been tampered with.

I respectfully ask that the New York language be considered for inclusion in SB 73 and that the bill in its current state not pass out of Committee as written.

Thank you for your time and consideration. I am available at any time to meet committee members to answer questions and discuss SB 73 in detail.

Jason Bane
President
Bane-Welker Equipment
3025 Progress Way, Wilmington, OH 45177