

Testimony offered on behalf of:
Koenig Equipment, Inc.

IN OPPOSITION TO:
S.B. 73

Oppose Unless Amended

Financial Institutions and Technology Committee
Hearing: March 28, 2023, at 9:30 AM

My name is Aaron Koenig, President and CEO of Koenig Equipment, Inc. Koenig Equipment is a family owned & operated, independent dealer of John Deere agriculture, outdoor power, and construction equipment. Koenig Equipment is a fourth generation Ohio company, founded in 1904. Koenig has 375 Employees and fifteen (15) retail locations, nine (9) of which are in Ohio, including dealerships in Lebanon, Ohio and Germantown, Ohio. Koenig is committed to serving Customers by focusing on the long-term, offering quality products at a fair price, and supporting our products with application information, excellent parts stock, and responsive repair and maintenance.

On behalf of Koenig Equipment, I am here to express our opposition to the inclusion of the off-road industry to S.B. 73, and I would like to take this opportunity to express and explain my opposition.

Most importantly, Koenig Equipment fully supports our Customers' right to repair and we have worked proactively and diligently to provide Customers with broad and cost-effective diagnostic and repair options. It's worth mentioning that these resources are the same resources that we as a dealer has access to. One place to review these resources is the John Deere website: <https://www.deere.com/en/stories/featured/repair/>. On the "Do-It-Yourself and Self-Repair" page, you will find extensive resources including:

- Instructions on how to access to John Deere mobile apps, which offer diagnostic and repair information to customers, many of which are free of charge.
- Directions on how to order repair and service manuals.
- Directions on how to order Special Tools required to perform critical tasks; and
- Directions on how to subscribe to Customer Service Advisor 5.2, which contains the same diagnostic software John Deere Technician's use to diagnose and repair equipment.

Moreover, my dealership assists Customers that are contemplating performing their own repairs: <https://www.koenigequipment.com/jdcsr>

Our collective commitment to Customers, as summarized above, was recently formalized in a memorandum of understanding between John Deere and the American Farm Bureau Federation: https://www.fb.org/files/AFBF_John_Deere_MOU.pdf. In

addition, this year, John Deere will roll out an enhanced customer solution that includes a mobile device interface, and the ability to download secure software updates directly to embedded controllers on select John Deere equipment with 4G connections. John Deere is continuously innovating, developing, and bringing to market new technologies and solutions that enable our customers to be more productive, efficient, and sustainable.

So as not to bore you with too many details, here is a summary list of other attributes that should exempt non-road equipment from S.B. 73:

- Our equipment remains viable, productive, and supported (by information, service, and parts) for decades, if not generations. This contrasts with technologies that are designed to lose productivity overtime and become obsolete in weeks or months.
- Our industries derive and deliver as much Customer value from used equipment as new equipment. This only happens if the products are being supported long into the future.
- DIY is the industry standard. In fact, dealers already sell a majority of their parts over the counter to Customers and independent, third-party repair providers.

With all the repair information, resources, and tools available to owners of non-road equipment, S.B. 73 is not necessary for our industry and would have negative, unintended consequences with respect to safety, emissions, Customer service, and upfront equipment cost.

Therefore, Koenig Equipment, Inc. respectfully requests an **UNFAVORABLE COMMITTEE REPORT** on proposed S.B. 73, or if the bill is to proceed, an inclusion of an amendment which exempts authorized repair providers of non-road equipment including outdoor power, agricultural, construction, and forestry equipment. Of note, this requested amendment was adopted by the New York Legislature in 2022 and signed by the Governor.

Respectfully Submitted,



Aaron Koenig
President, CEO
Koenig Equipment, Inc.

NON-ROAD AMENDMENT LANGUAGE

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.