



Ohio Equipment Dealers Urge Adoption of an Off-Road Exemption Amendment to the Digital Fair Repair Act (SB 176/HB 301)

As equipment dealers operating in Ohio, we are writing to strongly urge adoption of an amendment to exempt off-road equipment from the Digital Fair Repair Act (SB 176/HB 301) should the legislation move forward. As detailed below, applied to our industry, the Digital Fair Repair Act is unnecessary, intrusive, and threatens public safety, and the environment.

AED members sell, rent, and service agriculture, construction, mining, energy, and industrial equipment. Our members, which are predominantly small- medium-sized, independent, family-owned businesses, provide well-paying jobs for Ohio's residents and serve as a positive force within communities throughout the state.

Application of the Digital Fair Repair Act is based on the premise that customers are unable to fix their own tractors and machinery. However, equipment dealers and manufacturers make available diagnostic tools, repair information, parts, and remote customer support. Idle, non-functioning equipment equals lost time and money. Out-of-service equipment isn't merely an inconvenience—it can ruin a farmer's harvest or delay completion of a construction project. Equipment dealers and manufacturers do everything possible to keep a machine running. That can mean repairs completed by a dealership service technician, the customer, or a third-party provider. The equipment industry is highly competitive, and if a company isn't providing proper and timely service, nothing is stopping the customer from moving to a competitor and their products.

A significant percentage of parts sales are sold directly to customers so they can repair their own equipment. However, today's tractors and machines are not the same as those sold decades ago. While customers can complete most repairs to their machinery, environmental and safety regulations, as well as technological developments that have made equipment more efficient and productive, necessitate restrictions in access to source code and software that ensure key operational functions aren't modified or disabled.

Equipment dealers invest significant time and resources to train and retain highly skilled service technicians. This is necessary due to the complex emissions and safety mechanisms designed to protect the environment and operator safety. Granting unfettered access to these sensitive functions would allow anyone to override the safety and emissions systems, endangering operators, bystanders, and the environment.

Applied to our industry, the Digital Fair Repair Act is unnecessary as there is a private sector solution that is working. Agriculture original equipment manufacturers entered memorandums of understanding (MOUs) with the American Farm Bureau Federation. The MOUs are a private sector agreement to enshrine a customer's ability to repair their equipment and should be given every opportunity to succeed before government intervention. All indications are the MOUs are working as intended.

For the equipment industry, the Digital Fair Repair Act is a solution in search of a problem. We support a customer's right to repair and provide parts, tools, and other resources to complete nearly all repairs. Consistent with similar legislation passed in New York, Minnesota, Connecticut, California, Washington, and Oregon, we urge adoption of the off-road equipment exemption:

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.

Thank you for your consideration of our concerns.

