

HOUSE BILL NO. 4650

May 24, 2023, Introduced by Reps. Zorn and McKinney and referred to the Committee on Agriculture.

A bill to require original equipment manufacturers of certain agricultural equipment to make certain parts, tools, and documentation available to certain persons; to provide remedies; and to provide for the powers and duties of certain state governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "agricultural equipment
2 repair act".

3 Sec. 3. (1) For electronics-enabled agricultural equipment and

1 parts of electronics-enabled agricultural equipment sold or used in
2 this state, an original equipment manufacturer shall make
3 available, for purposes of diagnosis, maintenance, or repair of
4 that equipment, to any independent repair provider or to the owner
5 of the electronics-enabled agricultural equipment manufactured by
6 or on behalf of or sold or otherwise supplied by the original
7 equipment manufacturer, on fair and reasonable terms,
8 documentation, parts, and tools, including any updates to
9 information or embedded software. This subsection does not require
10 an original equipment manufacturer to make a part available if the
11 part is no longer available to the original equipment manufacturer.

12 (2) For equipment that contains an electronic security lock or
13 other security-related function, the original equipment
14 manufacturer shall make available to the owner and to independent
15 repair providers, on fair and reasonable terms, any special part,
16 tool, and documentation needed to disable the lock or function and
17 to reset it when disabled in the course of diagnosis, maintenance,
18 or repair of the equipment. The original equipment manufacturer may
19 make the part, tool, and documentation described in this subsection
20 available by means of an appropriate secure system.

21 (3) When the original equipment manufacturer has made an
22 express warranty with respect to electronics-enabled agricultural
23 equipment and the wholesale price of the equipment is \$100.00 or
24 more, the manufacturer shall provide the part, tool, and
25 documentation to enable the equipment to be repaired during the
26 warranty period at an equitable price and convenience of delivery
27 and of enabling functionality in consideration of all of the
28 following:

29 (a) The actual cost to the original equipment manufacturer to

1 prepare and distribute the part, tool, or documentation, exclusive
2 of any research and development costs incurred.

3 (b) The ability of owners and independent repair providers to
4 afford the part, tool, or documentation.

5 (c) The means by which the part, tool, or documentation is
6 distributed.

7 Sec. 5. The attorney general has the authority to bring a
8 civil action for damages or equitable relief for a violation of
9 this act and to otherwise enforce the provisions of this act.

10 Sec. 7. (1) This act does not require an original equipment
11 manufacturer to divulge a trade secret to an owner or an
12 independent service provider except as necessary to provide parts,
13 tools, and documentation on fair and reasonable terms.

14 (2) Except as otherwise provided in this subsection, this act
15 does not alter the terms or any arrangement described in section
16 1(a) of the act to provide definitions for this act that is in
17 force between an authorized repair provider and an original
18 equipment manufacturer, including, but not limited to, a
19 performance provision of warranty or recall work by an authorized
20 repair provider on behalf of an original equipment manufacturer
21 under that arrangement. A provision of an arrangement described in
22 section 1(a) of the act to provide definitions for this act that
23 purports to waive, avoid, restrict, or limit an original equipment
24 manufacturer's obligations to comply with this act is void and
25 unenforceable.

26 Sec. 9. This act applies to electronics-enabled agricultural
27 equipment that is sold or in use on or after the effective date of
28 this act.

29 Enacting section 1. This act does not take effect unless

1 Senate Bill No. ____ or House Bill No. 4651 (request no. 03180'23)
2 of the 102nd Legislature is enacted into law.