



JOHN DEERE

GREENWAY EQUIPMENT SALES
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**Testimony offered on behalf of:
Greenway Equipment Sales**

IN OPPOSITION TO:

L.D. 1487

**Committee On Innovation, Development, Economic
Advancement and Business**

Hearing: April 18, 2023, at 1:00 PM

GREENWAY EQUIPMENT OPPOSES L.D. 1487 UNLESS AMENDED

Dear Honorable Members of the Committee on Innovation, Development, Economic Advancement and Business:

Hello and thank you for allowing me the opportunity to provide input on the L.D. 1487(Right to Repair) legislation.

My name is Tyler Smith. I am a co-owner of Greenway Equipment Sales with my brother Mitchel Smith. We have two stores located in Hermon and Ellsworth Maine. We are a 29-year-old family business employing 42 great people. We are an outdoor power equipment dealer that sells equipment, service, and parts. We are primarily a John Deere Dealer with additional lines like Honda, Stihl, Ariens, Woods, etc. to mention a few. We offer turf, small construction, commercial and consumer equipment ranging from handheld products to diesel tractors, small construction equipment, and attachments to fit all.

Today, equipment owners can repair their own equipment. We acknowledge that our equipment (just like cars) has become increasingly more sophisticated. Past mechanical linkages that were used to operate equipment have been replaced with complex electronic devices and circuits. Furthermore, between 2008 and 2015 the EPA mandated that manufacturers significantly modify engine exhaust systems to meet the stringent emissions standards of the Federal Clean Air Act. As equipment sophistication became mainstream, Equipment Manufacturer's began to develop support tools to facilitate repair. As an example, our John Deere customers have:

- Free access to the same John Deere parts catalog that dealers use,
- Quick links to the John Deere website to purchase all service manuals.

NOTHING RUNS LIKE A DEERE®

- Direction on how to order Special Tools required to perform critical tasks, and
- Direction on how to purchase the same diagnostic software John Deere Technician's use to diagnose and repair equipment.

All these tools and resources provide owners with the RIGHT TO REPAIR, if they choose to do that. To be clear, John Deere's diagnostic software DOES NOT provide the technical training required to perform sophisticated diagnostic tests and troubleshooting procedures. While these skills can be obtained at technical schools, it should not be taken for granted that just anyone can utilize the tools properly.

Our main concern with L.D. 1487 is the threat this legislation poses to life, safety, air quality, product liability and used equipment representations. As written today, this L.D. 1487 would require Equipment Manufacturers to provide near unfettered access to proprietary source code that defines how the equipment does what it does. Currently the Deere diagnostic software does not provide this access, even to trained dealer mechanics. Doing so would kick open the door to unauthorized modification of equipment including increasing engine horsepower and increasing ground speeds beyond manufacturer specifications and modifying other operating characteristics. It could also change emission controls in violation of the Federal Clean Air. These modifications would:

- put service technicians, operators, and others near the equipment at risk of severe injury,
- undermines manufacturer warranty provisions and
- Puts liability for injuries or property damage on the person who modified the equipment who may not have sufficient insurance to protect the public
- pollute the environment and violates federal regulations under the United States Clean Air Act, and
- dramatically distorting being able to represent used equipment properly and safely to buyers.

These are the real and unintended consequences of the legislation.

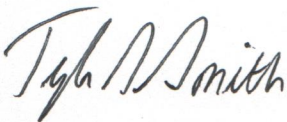
To conclude, equipment owners already have the RIGHT TO REPAIR their equipment AND have the RESOURCES TO REPAIR their equipment. This commitment to customer access to diagnostic and repair information was recently formalized in a memorandum of understanding with the American Farm Bureau Federation. While the Memorandum of Understanding applies to farm equipment, John Deere's commitment also applies to its customers in other sectors, including construction. 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.

For these reasons, Greenway Equipment Company views this legislation as unnecessary with respect to its application to our industry, and as such, not good for the State of Maine. I would encourage you, to the extent the Committee wishes to move forward with this legislation, to amend the bill to include the off-road exemption language identified below. This amendment was signed into law in the state of New York by Governor Hochul.

Thank you again for your time and consideration of this testimony.

Sincerely,

A handwritten signature in black ink that reads "Tyler Smith". The signature is written in a cursive, flowing style.

Tyler Smith
President
Greenway Equipment Sales

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OFF-ROAD EXEMPTION 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, mining equipment, turf, yard and garden equipment, outdoor power equipment (including 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