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HB 2688 Position Statement

Western Equipment Dealers Association is an international trade association that represents approximately 2,200 farm, industrial and outdoor power equipment dealers in North America.

In Oregon, WEDA represents 64 dealer locations. Those locations account for over \$500 million in annual revenue and nearly 900 employees. Through the sale of equipment, parts, and service, our dealer members work in partnership with farmers and ranchers across Oregon to make them the most productive and competitive producers in the world.

The proposed legislation is unnecessary and divisive with far-reaching unintended consequences. At the outset, farm equipment should not be part of this bill. Farm equipment is not a consumer good. Farm equipment purchases involve much larger transactions than household electronic devices, and are primarily business-to-business with sophisticated parties on both sides.

Concerning farm equipment, what this bill intends to achieve is already available to farmers and ranchers. Diagnostic equipment, manuals, tools and software updates are accessible already from many large manufacturers. In addition, major farm equipment manufacturers have committed to providing greater access to diagnostic capabilities by 2021.

End users of farm equipment have the right to repair, not modify. Under the Librarian of Congress's exemption ruling, farmers have the ability to circumnavigate certain technology protection measures to perform repairs already. However, they do not have the ability to modify equipment so that it exceeds safety standards or violates Clean Air Act emission requirements.

Finally, if passed, this bill would likely be an unconstitutional violation of the contracts clause. Equipment dealers and manufacturers have long-established agreements that provide exclusive areas of responsibility for selling and servicing equipment. This would be an entirely new regulatory framework upending traditional supply chains, creating unforeseeable changes to existing contracts between equipment dealers and original equipment manufacturers that would likely not withstand constitutional scrutiny under the contracts clause.

For these reasons, we urge you to oppose HB 2688.

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Western Equipment Dealers Association