



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2402		DATE: 3/1/2022	
COMMITTEE: Agriculture Policy			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. AC DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: arniedienoff@yahoo.com		ATTENDANCE: Written	SUBMIT DATE: 3/1/2022 12:01 AM

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I am in Support of this Bill and Legislation. The Bill is To Protect Missouri Consumers and to Give Them the Repair Information that they NEED to do the Proper Work that Needs to be Accomplished.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: BRIDGET SANDERSON		PHONE NUMBER: 913-449-8825	
REPRESENTING: ENVIRONMENT MISSOURI AND MISSOURI PUBLIC INTEREST RESEARCH GROUP		TITLE:	
ADDRESS: 31 WEST 31ST STREET			
CITY: KANSAS CITY		STATE: MO	ZIP: 64131
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/1/2022 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: EDWARD (TONY) SHEPHERD		PHONE NUMBER: 636-240-5009	
BUSINESS/ORGANIZATION NAME: ABATE FOR MISSOURI		TITLE: LEGISLATIVE	
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CITY: OFALLON		STATE: MO	ZIP: 63366
EMAIL: abatemo@yahoo.com	ATTENDANCE: In-Person		SUBMIT DATE: 2/27/2022 8:02 PM
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With the overwhelming use of electronics and computers these days it's imperative to have the correct parameters for proper repair. This is gained with access to the computer codes and readings. In this way an individual can still properly repair the item in a timely and cost effective manner.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: EMILY LEROY		PHONE NUMBER: 573-690-8194	
REPRESENTING: MISSOURI FARM BUREAU		TITLE:	
ADDRESS: 701 SOUTH COUNTRY CLUB DRIVE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/1/2022 12:00 AM	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: JARED WILSON		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 3/1/2022 12:00 AM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: WILLIAM (WILLIE) CADE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 3/1/2022 12:00 AM
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: ALLEN SCHAEFFER		PHONE NUMBER: 301-668-7230	
BUSINESS/ORGANIZATION NAME: DIESEL TECHNOLOGY FORUM		TITLE: MR	
ADDRESS: 5300 WESTVIEW DRIVE # 308			
CITY: FREDERICK		STATE: MD	ZIP: 21703
EMAIL: aschaeffer@dieselforum.org	ATTENDANCE: Written	SUBMIT DATE: 2/25/2022 1:25 PM	
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My name is Allen Schaeffer and I am Executive Director of the Diesel Technology Forum, a not-for profit educational organization headquartered in Frederick MD. We represent manufacturers of diesel engines and equipment, components, petroleum, and renewable biofuel producers. A list of our members follows. I would like to ask that this testimony be accepted into the official record along with the attached supporting document from the US Environmental Protection Agency Dated November 23, 2020 a ten page Memorandum from EPA Assistant Administrator for Enforcement and Compliance Assurance Susan Bodine entitled "EPA Tampering Policy: The EPA Enforcement Policy on Vehicle and Engine Tampering and Aftermarket Defeat Devices under the Clean Air Act." I would like to express our opposition to House Bill 2402 because if enacted, it will facilitate the tampering of emissions control systems on farm equipment, a practice in violation of the federal Clean Air Act that has the potential to • make Missouri's air dirtier, not cleaner, • facilitate a practice that is in clear violation of the federal Clean Air Act, and• jeopardize heavy-equipment safety for both farmers, vehicle service technicians and the public that share roads. Diesel engines power nearly all farm tractors and machines thanks to its unique combination of efficiency, power, durability, and reliability. Over the last two decades, manufacturers of diesel engines and equipment have invested billions of dollars to reduce emissions to today's near zero levels and meet federal clean air requirements, as you can see in the attached chart. All of us are benefitting from these investments today in the form of cleaner air. That said, in Missouri 56 metropolitan areas and four rural counties suffered more than 100 days when smog and/or particulate pollution was "moderate" or higher in 2020. Achieving near-zero emissions from diesel engines is accomplished by a highly integrated system of computers and controllers that control the combustion process and treats the exhaust emissions on a real time basis, using sophisticated systems like selective catalytic reduction (SCR) and diesel particulate filters. SCR systems are active emissions scrubbers on the vehicle – one where in a specialized catalyst, exhaust gases are treated by carefully calibrated sprays of Diesel Exhaust Fluid ("DEF"; aqueous urea) resulting in a chemical reaction that virtually eliminates nitrogen oxide emissions. Because it is an active system, DEF fluid must be refilled periodically based on fuel consumption, and that costs money. Today's DEF costs about \$30-\$40 dollars for a 2.5 gallon jug. Row crop Tractors can typically hold 4-6 gallons. Unfortunately, some creative individuals and repair shops have illegally accessed the engine computer and software and reprogramming to "trick" the engine into thinking that the SCR systems are dosing and operating properly, and diesel exhaust fluid levels are full, when in fact they are not operating at all or at very diminished levels, which is advertised as saving the operator the cost of refilling DEF fluid and avoiding expensive maintenance on particulate filters. Sometimes called chipping, tuning or ECU remapping, this service is being offered to farmers by a variety of individuals and companies. If enacted, HB2402 will further facilitate

this practice by providing open access to engine emissions control software, which is why we are opposed. Making changes to engine control units (ECU's) – computers and their controllers– to enhance the performance or evade emission controls has become a significant issue across North America. Being sold as “boosting performance” for pennies on the dollar compared to the cost of buying higher-capacity equipment” saving money through bypassing maintenance on emissions control systems; this practice must look like an attractive proposition, but it's not. It may void the equipment's warranty insurance agreements and is illegal in the U.S. This practice will result in increased emissions of nitrogen oxides that will make Missouri's ozone non-attainment status worse. What this legislation would do, if enacted, would be to enable the defeat of these systems, denigrate emissions performance and make agricultural and forestry equipment dirtier not cleaner, and increase emissions, not reduce them. Manufacturers are subject to a wide range of federal requirements in building and warranting their products for emissions performance. Some of these are listed below. •

Durability Regulations/Testing: 40 CFR 1039.240, 1039.245; see also 1039.101(g) (useful life requirements); see 42 USC § 7525(a)(1) reference to testing to determine conformance to regulations prescribed under § 7521; § 7521(a)(1) requires regulations to prescribe a “useful life” over which vehicles/engines shall comply with emission standards. • **Degradation Factor/In-Use Testing:** 40 CFR 1039.240, 1039.245, 1039.401; 42 USC § 7541(c)(6) • **Tamper Resistant Emissions System**so 40 CFR Part 1039 -- Control of Emissions from New and In-Use Nonroad Compression-Ignition Engines for Part 1039 regs.o 42 U.S.C. 7522 (a)(3)o 42 U.S.C. 7522 (a)(4)o 42 U.S.C. § 7413(c)(2)(C). It is a crime to knowingly falsify, tamper with, render inaccurate, or fail to install any “monitoring device or method” required under the CAA. Per EPA, “Vehicle Onboard Diagnostics (OBD) are a “monitoring device or method” required by the CAA.” Under these regulations (as is mandated in HB 2402), OEMs could be held liable for providing a “defeat device” to the market in the form of a service tool that allows end-users to circumvent certain engine/machine performance inhibitors related to emission controls. This is especially true for SCR-equipped engines that rely on routine end-user action (e.g., filling the DEF tank) to ensure proper operation of the SCR system. If the end-user doesn't take that action, the regulations require engine manufacturers to inhibit operation of the engine; going into a limp mode and then shutting it down until repaired. If OEMs provide customers the tool for overriding those inhibitors, that's considered circumventing the regulatory requirements. This may not be an obvious take-away after reading the referenced regulations and statutes. The California Air Resources Board (CARB) and USEPA, however, have gone through a lengthy process of interpreting those references and providing guidance to the industry that delivers this outcome. The US EPA Air Enforcement Division (“AED”) released a substantial report in November of 2020 regarding the incidence of tampering with diesel engines and emissions controls. • **Based on EPA enforcement actions,** they identified that a substantial portion of the subject vehicles identified by USEPA enforcement actions had software modifications to their engine emissions control units. •

As a result, USEPA AED estimates that the emissions controls have been removed from more than 550,000 diesel pickup trucks nationwide in the last decade. As a result of this tampering, more than 570,000 tons of excess oxides of nitrogen (NOx) and 5,000 tons of particulate matter (PM) will be emitted by these tampered trucks over the lifetime of the vehicles. • The report did not directly quantify the extent of tampering in off road engines and equipment, but it notes that ...AED has reason to believe this conduct occurs within most or all categories of vehicles and engines , including commercial trucks, passenger vehicles , pickup trucks, motorcycles , forestry equipment, and agricultural equipment. • These findings highlight the challenging and real problem of what happens when there is tampering with engine emissions controls; passage of S.B. 121 would only further enable, facilitate, and encourage this practice. Some of you might remember a few years ago the Volkswagen emissions cheating scandal. Investigations revealed the use of a defeat device – software code programming– that effectively turned off emissions controls during normal operations that allowed the vehicle to get better performance and fuel economy and also increased emissions, the same software turned the emissions controls back on when it sensed a standard vehicle certification test was underway. This incident cost VW well over \$30 Billion in fines and penalties. This legislation goes in the same general direction-facilitating tampering with emissions controls, saying it is okay for anyone to mess around with the computer controls and software on that tractor to save a dollar or two or a little time. That is not what we want. For all these reasons and others, so-called Right to repair legislation takes us the wrong way for clean air and the wrong way on safety. We urge your vote in opposition to HB 2402. Thank you for considering these comments. Allen Schaeffer Executive Director Diesel Technology Forum, 5300 Westview Drive # 308 Frederick MD 21703 ph. 301-668-7230 aschaeffer@dieSELFORUM.org www.dieSELFORUM.org My name is Allen Schaeffer and I am Executive Director of the Diesel Technology Forum, a not-for profit educational organization headquartered in Frederick MD. We represent manufacturers of diesel engines and equipment, components, petroleum, and renewable biofuel producers. A list of our members follows. I would like to ask that this testimony be accepted into the official record along with the attached supporting document from the

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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: BILL MIDKIFF		PHONE NUMBER: 870-684-7740	
BUSINESS/ORGANIZATION NAME: GREENWAY EQUIPMENT, INC.		TITLE: PRESIDENT	
ADDRESS: 412 S. VAN BUREN			
CITY: WEINER		STATE: AR	ZIP: 72479
EMAIL: bmidkiff@gogreenway.com	ATTENDANCE: Written		SUBMIT DATE: 2/28/2022 5:13 PM
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Members of the House Agriculture Policy Committee, I am writing today on behalf of Greenway Equipment, Inc. to share our strong opposition of HB 2402. Greenway Equipment is a family-owned, full-service, John Deere dealership group serving many communities throughout SE Missouri and Arkansas. We have always been fully committed to supporting the success of our customers in a safe, efficient, and sustainable manner and we are in complete favor of allowing our customers the right to REPAIR their equipment if they choose to do so. HB 2402 has been introduced as a "Right to Repair Bill"; however, we feel it goes far beyond its implied intent. Our firm opposition to HB 2402 is that as written, this bill is not simply a Right to Repair- but a Right to MODIFY. If voted into legislation this bill provides access to source code information which has been developed by Original Equipment Manufacturers (OEMs) to maintain the safety, integrity, EPA emission compliance, and longevity of the machine and the operator. Allowing any and all parties access to modify this code will be allowing potentially unsafe and illegal modifications to the equipment. This puts our over 700 employees, customers, and community members safety at risk while simultaneously jeopardizing the downstream purchasers of any used equipment. As an example of how this bill could impact many parties outside of the intended target audience- a John Deere S780 Combine weighs in at just under 46,000 pounds and is rated at approximately 25 MPH travel speed on highway from the manufacturer. If that machine were to be accidentally (or even intentionally) modified to run at 1.5x-2x that rated speed, it is no longer operating safely or as intended by the OEM. This not only creates potentially life-threatening consequences for everyone in the vicinity- it creates increased wear on roads and bridges, increased wear on the machine's components, devalues that machine's overall integrity, and could also create numerous liability issues for many parties that now have no control over the operation or safeguards once in place on the machine in question. Agricultural equipment will continue to grow in efficiency, size, and complexity. Dealerships such as ours have made significant investments in tools, facilities, and employee training to ensure the equipment we service operates at peak performance, and yet can be repaired to OEM specs and maintain all safety protocols in the event of a breakdown. OEMs have also made many resources available to allow our customers the ability to service and maintain their equipment on their own. Repair manuals, parts, diagnostic information, diagrams, training opportunities, and even advanced diagnostic tools such as "John Deere Customer Service ADVISOR" are available from OEMs through the equipment dealers' network today. For this reason alone, we feel HB 2402 is unnecessary as customers and independent repair shops already have the access to the tools necessary to diagnose and repair their equipment. HB2402 is asking for the right to modify this equipment. We ask that you recognize the potential consequences of HB 2402 and cast a "no" vote on this legislation. Please feel free to call me with any additional questions you may have on this matter, or if you would prefer, we would be glad to schedule a visit to one of our dealerships for a tour and

demonstration of all the resources currently available to our customers.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: BRADLEY SCHAD		PHONE NUMBER: 573-378-3399	
REPRESENTING: MISSOURI CORN GROWERS ASSOCIATION		TITLE:	
ADDRESS: 3118 EMERALD LANE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/1/2022 12:00 AM	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: CRAIG G. MURRAY		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: cmurray@heritagetractor.com	ATTENDANCE: In-Person		SUBMIT DATE: 2/28/2022 9:41 AM
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Good morning, my name is Craig Murray. I work for Heritage Tractor, a 21 store John Deere farm equipment dealer. We have 13 stores in Missouri and employ nearly 300 people in the state, 200 of them work in parts & service, including about 100 technicians. I'm here to today to talk about why Heritage Tractor supports customers right to repair but opposes HB 2402. 1. Heritage Tractor supports customers right to repair. 2 out of every 3 parts we sell, about 200,000 individual transactions, are to customers for repairs they make themselves. b. We have over 50,000 parts customers, 4 of our top 10 parts customers are independent repair shops who perform repairs for customers today. c. Heritage would struggle to survive if customers couldn't make their own repairs. 2. 99% + of repairs can be performed by customers today. Owner's manuals, Tech manuals, onboard diagnostics, Customer Service ADVISOR 5.2, online DIY videos, make this possible. b. Tech manuals are used to create and deliver technician training on how to repair machines. Thousands of tech manuals are in the John Deere library, every tech manual available to a dealer is also available to customers and independent repair shops. Every. Single. One. And have been for years. c. The question I like to ask anyone advocating for right to repair legislation is, "what specific repair are you trying to make that you can't make with the resources available from John Deere today?" The answer is 99%+ of all repairs that Heritage makes can be performed by customers using what is available from John Deere today. d. Software downloads are one example of a repair that must be performed by a John Deere dealer. When high quality rural internet service is available, these downloads can be made remotely which means they can be done over the internet, without making a visit to the customers machine and at a lower cost with little or no wait time. e. Improved rural internet service improves the customers ability to keep their machines running and Heritage Tractor is a strong advocate for improving rural internet service. 3. Heritage Tractor invests millions of dollars in MO a. Those investments include hiring, training MO residents in good paying jobs, stocking parts, building & refreshing facilities, buying special tools, service trucks so that we can support customers and help them keep their machines running. 4. Technician recruiting a. Heritage Tractor currently has openings for 15 additional technicians in MO. These are jobs paying \$50k-\$60k and have the potential to exceed \$100k long term, let's partner on recruiting initiatives that allow MO residents to thrive in MO working at fulfilling, rewarding, good paying jobs. Heritage Tractor supports the customer's right to repair their equipment. This is why we provide tech manuals, repair parts, special tools, software, schematics, training and information to enable customers to make their own repairs. It is available today in the market place for customers and independent repair shops to purchase....and again, has been for years. Heritage Tractor opposes HB 2402 because: 1. We oppose machine modification or tampering through access to embedded software code which this legislation allows. We have the following concerns: a. Safety: Imagine a 20 ton implement being towed by a 30-ton tractor that has its speed regulating software

disabled. Unable to stop in time, the tractor and implement meet a school bus at an intersection creating a catastrophic outcome. b. Emissions compliance: engine controllers will be reprogrammed to deliver increased horsepower which will create a violation of the Federal Clean Air Act and bring about many liability concerns for MO residents. c. Uncertainty in the used equipment market: As a consumer, do you want to buy a pre-owned tractor that has been used as intended or do you want a tractor that has been reprogrammed to deliver far more horsepower than it was designed to deliver, shortening the life of every engine and transmission component. With HB 2402, you won't know what you're buying. 2. Additionally, we oppose the requirement to sell parts at our cost. a. This will result in fewer Missourians being employed by Heritage Tractorb. It will force Heritage to decrease our parts inventory which will lengthen the time it takes for MO customers to get their parts and make their own repairs. 3. We oppose the requirement to allow independent repair shops and customers to perform warranty repairs.a. Heritage invests millions of dollars in training, facilities, parts, tools and equipment to perform warranty repairs. An uneven playing field is created if people who aren't required to make those investments can perform warranty repairs.b. This requirement is a job killer that will result in fewer technicians being employed industry wide which will reduce dealer service capacity, lengthen repair times and increase customer costs. Heritage Tractor invites all of you to visit any one of our facilities to learn more about this issue and see for yourself how we already support customer's right to repair. A yes vote on HB 2402 is a vote to kill solid, good paying jobs all across MO. We respectfully ask you to vote no on HB 2402, we believe it's not needed and an excellent example of a solution in search of a problem. Thank you for my time to speak and thank you for your commitment to MO public service.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: DAVID KEDNEY		PHONE NUMBER: 314-412-8567	
BUSINESS/ORGANIZATION NAME: LUBY EQUIPMENT SERVICES		TITLE: VICE PRESIDENT OF SALES & MARKETING	
ADDRESS: 2300 CASSENS DRIVE			
CITY: FENTON		STATE: MO	ZIP: 63026
EMAIL: dkedney@lubyequipment.com	ATTENDANCE: Written	SUBMIT DATE: 2/27/2022 11:53 AM	
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2/27/2022

HB2402 Testimony offered on behalf of Luby Equipment

Services.

House Agriculture Policy Committee Hearing: March 1, at 8:00 AM Opposition to HB 2402 Chairman Rone, Vice-Chair Francis, Ranking Member Weber and Committee Members My name is David Kedney and I write to express opposition to HB2402. I'm the Vice President, Sales and Marketing for Luby Equipment Services a construction and oilfield equipment dealership with locations in Cape Girardeau, Fenton, and O'Fallon with additional locations in IL, AR, and WV. Our company has served our community of customers since 1977 and we employ people in sales, parts, service, rental, and administration. There are four areas in HB2402, among several, that I want to highlight which are of great concern to our business and the off-road equipment industry. 1) the mandate that parts be sold based on an ambiguous / un-enforceable definition; (see paragraph 407.652. (5)); and 2) the mandate that OEMs provide access to sensitive machine control units; (see paragraph 407.652 11 2 (a))3) the mandate that allows non-authorized repairers perform warranty work in lieu of authorized dealers (see paragraph 407.653 6.)3) the mandate that software tools be made available "free of charge" (see paragraph 407.652 (c))1) Parts Sales Based on Ambiguous Language: This language is ambiguous and the criteria is reasonable for manuals on software tools not for repair parts: a) net cost to the independent repairer; b) cost to the manufacturer for preparation and distributing the parts (less R&D costs); c) the price charged by other manufacturers. This language can only be reconciled by a costly and un-necessary litigation. 2) Access to Sensitive Machine Control Units Language: Industry data indicates that well over 95% of repairs on tractors can be done without the need for software downloads to controllers on the machine. The controllers manage highly sensitive areas of the machine - including: • Emissions systems and maintaining emissions compliance with EPA Clean Air Act standards. • Safety functions. • Key systems management. • For good reason, we do not provide, and the EPA does not permit us to provide, access to critical software, firmware, or embedded software as it relates to the engine control unit (ECU). We believe this requirement blurs the line between repair and modification, particularly in the areas of environmental and safety.3) Warranty Work Performed by Non-Authorized Providers: Warranty work performed by authorized personnel is in the best interest of the customer, the authorized dealer and the OEM and should be left to the authorized dealer and OEM to manage in an efficient and reliable manner. Execution of warranty work is vital to managing the unforeseen need for product recalls and updates by the OEM. 4) Software and Tools Should be Made Available "Free of Charge: The mandate ignores the fact that manufacturers endure a cost associated with the

production, update, support and admin. of software tools. Making these items “free of charge” will only drive machine price increases to the consumer. Our dealership pays fees for software tools and updates. Our dealership signs user license agreements for use of software tools. Our dealership is required to obtain training on use of the software tools. The bill places no requirement on the independent user for any of the above. Our business and our industry are built on long-term relationships with our customers. We hold true to those relationships based on the service we provide after the equipment is sold. Uptime of the equipment purchased by our grower / producer customers and professional users is critical to them and to us. To support customer maximum uptime, the leaders in our industry make available to customers – on fair and reasonable terms - and through dealers like us, tools they have asked for to allow them to better control their service requirements and downtime.

- Customers can purchase a subscription to access the same diagnostic software that my technicians use in our shop.
- Customers can purchase the same that my employees use.
- Operator’s manuals, parts manuals, technical manuals and technical schematics.
- Customers can access “how to videos” on service and maintenance topics.
- Customers can find and purchase the parts they need when they need them to do their own repair.
- Customers have access to our highly trained and equipped service technicians, in our shop, or at the customer’s location.

I also should add that with each generation of new equipment the on-board diagnostics capability is enhanced, and we continue to see vast advancements in our ability to remotely access a customer’s tractor to help the customer understand and deal with any issues. For these reasons and more, we ask that the committee vote unfavorable on HB 2402. Thank you for your time and consideration. David KedneyVP Sales & MarketingLuby Equipment Services



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2402		DATE: 3/1/2022	
COMMITTEE: Agriculture Policy			
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: HAROLD CHAPMAN JR.		PHONE NUMBER: 573-443-4541	
BUSINESS/ORGANIZATION NAME: CROWN POWER & EQUIPMENT		TITLE: COMPLEX GENERAL MANAGER	
ADDRESS: 1881 E PRATHERSVILLE RD.			
CITY: COLUMBIA		STATE: MO	ZIP: 65202
EMAIL: hchapman@crown-power.com	ATTENDANCE: Written	SUBMIT DATE: 2/28/2022 11:35 AM	
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2/25/22 **OPPOSITION:** HB 2402 **TO:** Missouri House Agricultural Policy Committee Members **Thank you** for the opportunity to provide comment on behalf of Crown Power & Equipment. We currently operate ten retail locations throughout Missouri. We employ over 180 employees at this time. We oppose HB 2402 for the following reasons: 1. We do not think the bill is necessary. Currently, most everything a customer would need to diagnose or repair their equipment is already available. This includes operators and technical manuals, diagnostic routines, tools, parts, schematics as well as electronic service capabilities. Legislation is not needed to require us to provide things that are already available in the marketplace today. 2. Our business has made a huge investment in parts inventories, employee training, tools service trucks, etc. to ensure our customers can remain up and running. We support our local schools, contribute significantly to the local economy, partner with the local FFA and 4H chapters, provide scholarships for students to go to school and then return to our communities to live and work. The essence of this bill represents a huge threat to our presence in our communities. We are often one of the largest employers in our area – and we want to continue to grow and support our hometowns. 3. Allowing open access to the code creates a tremendous safety concern. In our operation – and on every farm I am aware of, safety is the number one concern. Improperly modifying the software on a machine can potentially cause one of our employees or our customers to be injured or even killed. These machines are very sophisticated. We spend thousands of dollars every year ensuring our team has the proper training and tools to keep the customer up and running – but to do so safely. Even we do not have open access to the manufacturer’s software- nor do we need it. The access this bill asks for creates safety hazards and quite frankly puts my employees, my customers and my business at risk. 4. Today, we already see a huge problem with something called “chipping” – where a customer has increased the horsepower of an engine, often far beyond the manufacturer’s specs. This results in premature wear of the machine – again a safety hazard. We also see a lot of units that have had their emissions systems “defeated” – or overridden. These defeated machines do not meet federal emissions standards. This is something our organization can be fined for by the EPA if we resell a noncompliant machine. This bill asks for the ability to override security features, which just further enables this illegal practice. 5. We many times have no way of recognizing that the machine was ever tampered with or modified, because the software was set back to manufacturers specs prior to being traded in. Or, if it hasn’t been set back, we have no way of knowing **WHAT** was changed. Simple, yet catastrophic things like steering direction would be undetectable. This means that I could potentially be misrepresenting the equipment to the next buyer since I am unaware of the extent of damage done when it was run under modification. It also undermines the overall integrity of the used equipment market. Besides the huge liability this presents from a safety and compliance standpoint, my business’

reputation is at stake. We take tremendous pride that we represent our company, our employees, our owners and our manufacturers with honesty and honor. We stand behind what we sell and recognize that our customer's success is our success. 6. Make no mistake that we DO fully support our customers having the ability to repair their equipment. But we do not support unauthorized and unsafe modification - for all the reasons I've talked about such as safety, liability, emissions, open access to code. Therefore, I ask you to please vote unfavorable on HB 2402. Sincerely, Harold Chapman
Jr. Complex General Manager



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2402		DATE: 3/1/2022	
COMMITTEE: Agriculture Policy			
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: KARA CORCHES		PHONE NUMBER: 573-634-3511	
REPRESENTING: MISSOURI CHAMBER OF COMMERCE AND INDUSTRY		TITLE:	
ADDRESS: 428 EAST CAPITOL AVENUE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/1/2022 12:00 AM	
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COMMITTEE: Agriculture Policy			
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: LOUANN HAUSNER		PHONE NUMBER: 515-371-4012	
BUSINESS/ORGANIZATION NAME: JOHN DEERE		TITLE: MANAGER, CUSTOMER SUPPORT	
ADDRESS: 10789 SOUTH RIDGEVIEW ROAD			
CITY: OLATHE		STATE: KS	ZIP: 66061
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/1/2022 12:00 AM	
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MISSOURI HOUSE OF REPRESENTATIVES
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MATT MORROW		PHONE NUMBER: 417-862-5567	
BUSINESS/ORGANIZATION NAME: SPRINGFIELD AREA CHAMBER OF COMMERCE		TITLE: PRESIDENT AND CEO	
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CITY: SPRINGFIELD		STATE: MO	ZIP: 65806
EMAIL: lmustoe@springfieldchamber.com	ATTENDANCE: Written		SUBMIT DATE: 2/28/2022 3:07 PM

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March 1, 2022Dear Chairman Rone and members of the House Committee on Agriculture Policy:On behalf of the Springfield Area Chamber of Commerce and our nearly 1500-member businesses, please accept this letter of opposition for House Bill 2402. HB 2402 would change consumer product laws to give certain individuals access to diagnostic repair information on farm and construction machinery. Independent repair shops and purchasers of these types of products already have access to service parts, diagnostic and repair manuals and electronic diagnostic tools to repair equipment. Due to safety protocols currently in place, only certain elements are not accessible for independent repair. Certain information is currently only supplied to authorized repair providers from the manufacturer in order to protect the safety of the customer. Expanding access could increase the occurrence of accidents. Also, allowing customers to purchase parts directly from the manufacturer could have a negative impact on jobs in a community. Dealers are often a primary employer, including in Springfield, and make a significant investment in parts, inventory, employees, training and more. Service work and parts sales are a significant portion of business revenue for these dealers. Allowing another entity to access to these tools and parts at the same price, without the same level of investment, could cost jobs and likely result in the closure of businesses. The Chamber supports the protection of intellectual property and safety balanced with an appropriate level of consumer access and ability to repair equipment. House Bill 2402 would alter this current balance, and we encourage your opposition. Sincerely, Matt Morrow President and CEO, Springfield Area Chamber of Commerce 202 S John Q Hammons Parkway Springfield, MO 65806



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2402		DATE: 3/1/2022	
COMMITTEE: Agriculture Policy			
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: RAY MCCARTY		PHONE NUMBER: 573-634-2246	
REPRESENTING: ASSOCIATED INDUSTRIES OF MISSOURI		TITLE:	
ADDRESS: 3234 WEST TRUMAN BOULEVARD			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/1/2022 12:00 AM	
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