



Written by [David Kelly](#) on April 26, 2023

## Colorado Is Now a “Right to Repair” State

Colorado Governor Jared Polis signed “right to repair” legislation into law on Tuesday, giving farmers and ranchers full resources to make timely repairs on their own agricultural equipment beginning next year.

Currently, agricultural equipment manufacturers require owners to seek diagnostic, maintenance, or repair services of their equipment solely from the equipment dealer. Now, with the passage of [House Bill 1011](#), according to the bill summary, starting January 1, 2024, manufacturers will be required to “provide parts, embedded software, firmware, tools, or documentation, such as diagnostic, maintenance, or repair manuals, diagrams, or similar information, to independent repair providers and owners of the manufacturer’s agricultural equipment.” The legislation also allows an independent repair provider and/or the owner to “conduct diagnostic, maintenance, or repair services on the owner’s agricultural equipment.”



DaydreamsGirl/iStock/Getty Images Plus

“I am proud to sign this important bipartisan legislation that saves hardworking farmers and ranchers time and money on repairs and supports Colorado’s thriving agriculture industry. This is a common-sense bipartisan bill to help people avoid unnecessary delays from equipment repairs. Farmers and ranchers can lose precious weeks and months when equipment repairs are stalled due to long turnaround times by manufacturers and dealers. This bill will change that,” [said](#) Polis at the signing ceremony.

Colorado became the first state in the nation to pass controversial right-to-repair legislation that forces manufacturers to expose their intellectual property and trade secrets. According to [AP News](#), manufacturers say the new law “would make it easier for farmers to tinker with the software and illegally crank up the horsepower and bypass the emissions controller — risking operators’ safety and the environment.”

Proponents of the bill were seeking a way to end the current repair practices that in some cases meant paying high fees and waiting weeks for repairs that farmers could have done quickly themselves.

Highlighting some of the bill’s hearing testimony, *Colorado Politics* [shared](#):

Danny Wood said he paid \$950 for a technician to type in a code to unlock his tractor — after he had already paid \$8,500 for them to repair the tractor two days before. Dale McCall



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said he spent \$6,000 for technicians to work on his hay balers for over three weeks without fixing them, causing him to miss harvesting deadlines. After convincing the manufacturer to give him access to the software, McCall's son fixed the balers in less than two hours, he said.

The legislation's proponents did try to find some balance or middle ground between manufacturer and consumer. Before passage, the bill was amended to clarify that dealers were not liable for damages caused by any illegal tampering or changes made to their products.

Some opposing the bill had good reason to do so. [AP News](#) related:

Rep. Richard Holtorf, the Republican who represents Wood's district and is a farmer himself, said he's being pulled between his constituents and the dealerships in his district covering the largely rural northeast corner of the state. He voted against the measure because he believes it will financially impact local dealerships in rural areas and could jeopardize trade secrets.

"I do sympathize with my farmers," said Holtorf, but he added, "I don't think it's the role of government to be forcing the sale of their intellectual property."

After years of discussion and recognizing the need to assist farmers in giving them choices to repair their equipment while protecting manufacturers' rights, John Deere and the American Farm Bureau Federation [signed a memorandum](#) of understanding (MOU) in January that ensures farmers and ranchers have the right to repair their own farm equipment.

According to [AP News](#) at that time:

The agreement, said federation President Zippy Duvall, "addresses a long-running issue for farmers and ranchers when it comes to accessing tools, information and resources, while protecting John Deere's intellectual property rights and ensuring equipment safety."

"A piece of equipment is a major investment. Farmers must have the freedom to choose where equipment is repaired, or to repair it themselves, to help control costs," Duvall said.

The agreement doesn't have the same level of enforcement that right-to-repair legislation offers, of course, but it would keep the government from interfering in the free-market relationship between business and customers.

Time will tell whether the new legislation will help farmers and ranchers save time and money. However, the loss of free-market principles via government regulation is truly of more concern.



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