



Freedom for Agricultural Repair and Maintenance Act (FARM Act)

Section-by-Section Summary

Background

The *Freedom for Agricultural Repair and Maintenance Act (FARM Act)* provides farmers with the right to repair their own equipment and restores competition in the agricultural repair market. Currently, when farmers' equipment breaks down, large equipment manufacturing companies refuse to let them repair it themselves and instead force them to get repairs at authorized dealerships, which are often hundreds of miles away from their rural farms. The *FARM Act* requires farm equipment manufacturers to share documentation, parts, and software with farmers and independent repairers, giving farmers back the autonomy to repair their own equipment and support their farms.

Section 1 – Short Title: Freedom for Agricultural Repair and Maintenance Act (FARM Act)

Section 2 – Definitions

Section 3 – Requirements for Original Equipment Manufacturers

The *FARM Act* requires Original Equipment Manufacturers (“OEMs”)—manufacturers and suppliers of farm equipment—to provide owners and independent repairers with the tools necessary for them to diagnose, maintain, and repair agricultural equipment themselves. Tools that the OEMs must provide will allow for the maintenance and repair of farm equipment on fair and reasonable terms, which may include documentation, parts, software, and firmware. OEMs must also provide them with additional tools to disable or enable security functions of farm equipment so that the owners and independent repairers may carry out these repairs without being blocked by the OEMs' security.

The *FARM Act* also permits owners and independent repairers to develop software and other tools for the purpose of diagnosing, maintaining, upgrading, or repairing farm equipment without violating copyright laws. OEMs must permit this third-party software to be interoperable with their tools as well.

OEMs must ensure that any required parts that their agricultural equipment are replaceable without causing damage by either using a commonly available tool or a tool that the OEM makes available to owners and independent repairers.

Section 4 – Enforcement

The Federal Trade Commission (FTC) will enforce Section 3 as well as any regulations promulgated under this *Act*. The *Federal Trade Commission Act (FTCA)* provides the

enforcement authority to the FTC, and OEMs that violate Section 3 will be subject to the penalties outlined in the FTCA.

In addition to the FTCA penalties, OEMs will be subject to civil penalties if they stop providing these required tools. OEMs in violation will be subject to \$1,000 each day that they are in violation for their first violation, \$2,000 per day for their second violation, and \$5,000 per day for third and subsequent violations.

Section 5 – Rulemaking

The FTC will promulgate rules that are necessary to carry out this *Act*, and these rules will be consistent with the *Clean Air Act* and any related regulations.

Section 6 – Limitations

The *FARM Act* does not require OEMs to share trade secrets to farmers or independent service providers, except when needed for imperative repair materials, nor does it require OEMs to alter any existing agreements with authorized repair providers, unless any agreement provisions would restrain OEMs from following this *Act*. Authorized repair providers do not have additional other obligations regarding documentation, parts, or tools for farm equipment under this *Act*.

The *FARM Act* also does not require OEMs to provide any parts or equipment only used to develop—but not repair—equipment. The *Act* should not be construed to allow for any equipment modifications that permanently deactivate safety features during equipment repair or that violate applicable laws and regulations.