

I am speaking on behalf of Tom's Lawn & Garden Equipment which operates one John Deere dealership located in Portsmouth RI. We currently employ 9 full time residents and provide service and support to the communities in which we operate, and are committed to our agriculture each and everyday.

Our opposition to bill number 6141 is based on several key facts relevant to not only our business, our employees, our growers, and our customers, but also the safety and wellbeing of all whom reside in Rhode Island

First and foremost, our concern with the current legislation being presented is Safety. As a dealer under contract which includes manufacturer guidelines and protocols, we have an obligation as well as are liable-to ensure that all machines sold or repaired are done so with the highest level of safeguarding the end user and general public that is attainable. In the proposed bill, the Independent Repair Provider or Owner would be at potential liberty to alter or make repairs to certain aspects of machinery therefore limiting certain safety protocols or also creating unsafe protocols as a byproduct of the process. This is not only attainable it is potentially untraceable as well as irreparable-and by operating under no contractual guidelines or limitations, these Independent Repair Providers would face no true liability or responsibility in the event of an issue, nor do they hold responsibility to the downstream end users of the machinery in the event of a failure all liability is then focused to the manufacturer or dealer and not the true responsible party. Unfortunately we have already been a victim of this act and experienced a horrendous incident where a young child lost his life because of a faulty machine. We were notified immediately as we were the selling and servicing dealer of the equipment involved. After a long investigation it was determined that we were not the last to service the machine. It was done by a non certified person. After the heartache and agony of thinking that this could have happened because of something we did or didn't do was an absolute nightmare. This is a perfect example of what will happen in the future if this Right to Repair is passed.

Our second concern is the ability to safeguard and enforce emissions compliance. The U.S. Clean Air Act requires equipment manufacturers to build-in base level tampering safeguards. Restricting access to the software that defines a machine's emissions performance is part of these base-level tampering safeguards. As a Dealer required to operate under this Federal Act, we are also held responsible and liable for any tampering or modification to Emissions controls or systems and face severe penalty for noncompliance. Allowing access to these software systems will endanger not only the ability to detect tampering, but also cause downstream liability for other farmers if units are resold an this tampering is not detected.

Thirdly-this access and potential modification of any machine's code or software systems creates mass uncertainty in the used equipment market for dealers and customers. Modifications outside of a machine's intended design causes excess wear, impacting the life and value of the machine and its components, as well as potentially make unknowing farmers liable for fines and possible injury due to non-notification of system alterations

Lastly, we feel that this bill will not only attribute to the points outlines above, we feel there will be a long term significant detrimental impact overall dealer network for our customers if this bill is approved. This bill is being presented as an avenue for growers to access information and increase uptime in the event that the local dealer network cannot provide immediate service, but our fear is

just the opposite. By allowing all interested parties access to software, tools, and parts-at or below dealer cost we will see an economic impact which potentially reduces the number of dealers able to sustain long term. This in turn will mean increased wait time and lost productivity to those same targeted growers who may not be able to afford the software or tools needed for their operation and have no option but to rely on the dealer network for support.

In ending, the full ability to access software, tools, and parts as is written in bill 6141 is not needed to repair or diagnose most common problems that are faced today by our customers. All needed software for diagnosis or repair of most common issues is currently readily available.

We respectfully oppose passage to this bill and graciously thank you for your time.

Sincerely,

Deborah A Perry
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