



Right to Repair

Issue

When attempting to repair much of today's farm equipment, farmers have been left with few options other than to call the dealership where they purchased it if the repair involves copyrighted software. Because of the Digital Millennium Copyright Act, farmers or third party mechanics could be subject to fines and lawsuits for tampering with the software. This could even include everything ranging from simple jobs such as replacing sensors or more complex tasks like updating computer software.

Background

In 1998, Congress passed the Digital Millennium Copy Right Act (DMCA). At the time, the DMCA was to protect against any type of infringement on the developer's rights that might occur while updating and repairing electronics. Since then, the DMCA has been applied to farm equipment and other pieces of heavy machinery that have built-in computer software. With technology progressing faster than ever before, it is often difficult for farmers to take the time out of their day to transport their tractor or place a call for a software update. The DMCA was designed to protect against copyright issues but can now slow down production and increase costs.

There have been efforts in other states through legislation attempting to solve some of these issues. Right to Repair legislation, also known as Fair Repair, grants the owners of electronics to repair or alter the equipment within a certain set of parameters. Right to Repair legislation was introduced this past year in Tennessee. This bill would give farmers the ability to make decisions regarding repair of their equipment's copyrighted software rather than being given a select list of dealers that can perform updates and operations. It would also require manufacturers to sell the updates and equipment for repairs. However, the federal DMCA would supersede state law. Farm Bureau Policy supports legislative solutions at the federal level, not the state.

Questions:

1. Do you believe that farmer's deserve the right to update or fix their software for tractors they have purchased?
2. What is the best policy solution to respect both farmers and equipment manufacturers when it comes to software and technology?
3. TFBF policy supports changing the federal law to allow farmers the right to repair. Should TFBF policy support state legislation that could conflict with federal law?

Tennessee Farm Bureau Policy:

Farm Input Costs (Partial)

Equipment manufacturers should be held to a high standard for product quality. We believe state laws should provide consumer protection for farmers that experience chronic maintenance problems on new equipment. We believe property rights should extend to every component of farm machinery. We support a workable solution within the limitations of the Digital Millennium Copyright Act for farmers to be able to quickly, efficiently, and cost effectively repair farm machinery they own.