



2025 South Dakota Legislature

House Bill 1151

Introduced by: **Representative** Overweg

1 **An Act to require that manufacturers of agricultural equipment allow an**
 2 **independent repair provider or an owner to make certain repairs to**
 3 **agricultural equipment.**

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 **Section 1. That a NEW SECTION be added to chapter 37-5:**

6 Terms used in this Act mean:

7 (1) "Agricultural equipment," machinery or equipment designed primarily for use in a
 8 farm or ranch operation, including any attachment to, or repair part for, that
 9 equipment. The term does not include:

10 (a) A self-propelled vehicle used primarily for the transportation of individuals
 11 or property on a street or highway;

12 (b) Any vehicles described in chapter 32-20 or 32-20A;

13 (c) Aircraft; and

14 (d) Equipment designed primarily for irrigation;

15 (2) "Authorized repair provider," includes:

16 (a) An independent repair provider not affiliated with an agricultural equipment
 17 manufacturer, other than through an arrangement for a definite or indefinite
 18 period of time during which the manufacturer, for the purpose of providing
 19 services to an equipment owner regarding the owner's equipment or
 20 equipment part, grants the provider license to use a trade name, service
 21 mark, or other proprietary identifier, and authorization under any other
 22 arrangement to act on behalf of the manufacturer; and

23 (b) A manufacturer that offers to provide services to an owner of the
 24 manufacturer's equipment, if the manufacturer does not have an
 25 arrangement with an independent repair provider as described in this
 26 subdivision;

- 1 (3) "Data," information generated by or arising from the operation of an owner's
2 agricultural equipment or its parts, compiled or transmitted with the consent of the
3 owner;
- 4 (4) "Documentation," a manual, diagram, schematic diagram, reporting output,
5 service code description, security code, password, or similar guidance or
6 information, in electronic or tangible form, that a manufacturer provides to an
7 authorized repair provider to assist with services performed on the manufacturer's
8 equipment or equipment part;
- 9 (5) "Embedded software for agricultural equipment," programmable instructions
10 provided on firmware loaded to or delivered with agricultural equipment, necessary
11 for operation of the equipment, including all relevant patches, fixes and updates;
- 12 (6) "Fair and reasonable terms and costs," a business practice under which parts are
13 sold to an owner or independent repair provider at equitable terms for access to or
14 receipt of any part pertaining to agricultural equipment in a manner that:
- 15 (a) Is fair in light of any agreed-upon conditions, the promised quality, and the
16 timeliness of delivery;
- 17 (b) Does not discourage or disincentivize repairs to be made by an owner or an
18 independent repair provider;
- 19 (c) Does not impose on an owner or independent repair provider any
20 substantial obligation to use, or any restriction on the use of, a part,
21 embedded software, embedded software for agricultural equipment,
22 firmware, or tool;
- 23 (d) Does not require that the owner or independent repair provider become an
24 authorized repair provider of the manufacturer; and
- 25 (e) Does not impose on any owner or independent repair provider any
26 requirement that a part, embedded software, embedded software for
27 agricultural equipment, firmware, or tool, be registered, or paired with, or
28 approved by, the manufacturer or an authorized repair provider before the
29 part, embedded software, embedded software for agricultural equipment,
30 firmware, or tool, is operational; and
- 31 (7) "Firmware," a software program or instructions programmed on equipment or on
32 an equipment part to enable the equipment or part to function as designed or to
33 communicate with itself or with other computer hardware.

34 **Section 2. That a NEW SECTION be added to chapter 37-5:**

1 An original manufacturer of agricultural equipment shall make available to any
2 independent repair provider in this state, or to any owner of the manufacturer's equipment
3 in this state, upon fair and reasonable terms, any documentation, parts, embedded
4 software, embedded software for agricultural equipment, firmware, tools, or data needed
5 to repair the equipment.

6 If equipment contains an electronic security lock or other security-related function,
7 the manufacturer shall make available to an independent repair provider or owner, upon
8 fair and reasonable terms and at reasonable cost, any documentation, equipment parts,
9 embedded software, embedded software for agricultural equipment, firmware, tools, or,
10 with the owner's permission, data needed to reset the lock or function when disabled in
11 the course of providing services.

12 **Section 3. That a NEW SECTION be added to chapter 37-5:**

13 This Act does not require a manufacturer of agricultural equipment to divulge trade
14 secrets.

15 A manufacturer of agricultural equipment may not refuse to make available to an
16 independent repair provider or owner any documentation, part, embedded software,
17 embedded software for agricultural equipment, firmware, tool, or, with owner
18 authorization, any data necessary to provide services, on the grounds that the
19 documentation, part, embedded software, embedded software for agricultural equipment,
20 firmware, tool, or data, is itself a trade secret.

21 A manufacturer may withhold information regarding a component of, the design
22 of, functionality of, or process of developing a part, embedded software, embedded
23 software for agricultural equipment, firmware, or tool, if the information is a trade secret
24 and the reparability of the part, embedded software, embedded software for agricultural
25 equipment, firmware, or tool is not diminished for the purposes of providing services.

26 **Section 4. That a NEW SECTION be added to chapter 37-5:**

27 An independent repair provider may not:

28 (1) Make any modification to agricultural equipment that deactivates a safety
29 notification system, except as necessary to provide services;

30 (2) Access any function of a tool that enables the independent repair provider or owner
31 to change the settings for a piece of agricultural equipment in a manner that brings
32 the equipment out of compliance with any federal, state, or local safety or
33 emissions law, except as necessary to provide services; or

- 1 (3) Engage in any other illegal equipment modifications.