



## 2026 South Dakota Legislature

# House Bill 1269

Introduced by: **Representative Roe**

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," or "equipment," any product originating from the  
 8 manufacturer when sold or leased for use in farming or other forms of agriculture,  
 9 that depends for its functioning, in whole or in part, on digital electronics embedded  
 10 in or attached to it, including any tractor, combine, harvesting equipment, tillage,  
 11 planting, irrigation, or cultivating implement, baler, or any off-road vehicle, as  
 12 defined in § 32-20-1, which is designed primarily for use in an agricultural  
 13 operation. The definition does not include:

14 (a) A motor vehicle, as defined in chapter 32-5; or

15 (b) Industrial, construction, mining, or road-building equipment;

16 (2) "Authorized repair provider," an individual or business that has an arrangement  
 17 with the original equipment manufacturer for a definite or indefinite period of time,  
 18 under which the manufacturer grants the individual or business a license, or  
 19 franchise, to use a trade name, service mark, or related characteristic for the  
 20 purpose of offering diagnosis, maintenance, or repair of agricultural equipment,  
 21 under the name of or on behalf of the original equipment manufacturer;

22 (3) "Code," subject to the limitations of sections 5 and 6 of this Act, information that  
 23 can be read by a human or machine, and which is related to a performance issue  
 24 arising from the operation of an owner's agricultural equipment;

25 (4) "Confidential information," any nonpublic information or nonpublic materials of the  
 26 manufacturer, its affiliates, its licensors, or its suppliers, which are related to

- 1 goods, research and development information, patent rights, or intellectual  
2 property rights;
- 3 (5) "Documentation," subject to the limitations of sections 5 and 6 of this Act, any  
4 manual, diagram, reporting output, service code description, schematic drawing,  
5 or other guidance or information, used in diagnosing, maintaining, repairing, or  
6 upgrading agricultural equipment;
- 7 (6) "Embedded software," any programmable instructions provided on firmware  
8 delivered with or loaded onto the agricultural equipment, including assembly code,  
9 basic internal operating system, internal operating system, machine code,  
10 microcode, root code, and all relevant patches, fixes, and updates from the  
11 manufacturer;
- 12 (7) "Fair and reasonable terms," at fair and commercially reasonable terms that do not  
13 impose unreasonable burdens on an independent repair provider or owner;
- 14 (8) "Firmware," a software program or set of instructions programmed on agricultural  
15 equipment, or on a part of the agricultural equipment, to allow the agricultural  
16 equipment or part to communicate within itself or with other computer hardware;
- 17 (9) "Goods," code, confidential information, documentation, embedded software,  
18 agricultural equipment, parts, software, specialty tools, tools, updates, and any  
19 other product or service distributed, manufactured, or made available by or  
20 through a manufacturer;
- 21 (10) "Independent repair provider," an individual or business that is not affiliated with  
22 an authorized repair provider or manufacturer, with respect to agricultural  
23 equipment, but is engaged in diagnosing, maintaining, or repairing agricultural  
24 equipment generally and is willing and capable of repairing agricultural equipment;
- 25 (11) "Manufacturer," any individual or business engaged in the business of making new  
26 and complete agricultural equipment;
- 27 (12) "Obsolete," no longer produced, sold, exchanged, or maintained by a  
28 manufacturer;
- 29 (13) "Owner," an individual or business that owns or leases agricultural equipment  
30 purchased or used in this state;
- 31 (14) "Part," any replacement part made available or used by a manufacturer or its  
32 authorized repair provider for maintenance or repair of agricultural equipment  
33 manufactured by or on behalf of, sold, or otherwise supplied by the manufacturer;
- 34 (15) "Safety," any goods that are intended to prevent injury, harm, danger, or loss to  
35 individuals or property;

1 (16) "Software," a publicly available digital platform that provides access to technical  
2 manuals, diagnostic codes, equipment calibrations, and other publicly available  
3 resources, which are necessary for the diagnosis, maintenance, or repair of  
4 agricultural equipment;

5 (17) "Specialty tool," a mechanical implement originating from the manufacturer, which  
6 is necessary to facilitate mechanical or electrical maintenance, repair, or upgrade  
7 of a manufacturer's agricultural equipment, and which is not generally available  
8 other than from the manufacturer's authorized repair facilities;

9 (18) "Tool," any software, hardware implement, or other apparatus originating from the  
10 manufacturer, which is used for data readout, diagnosis, maintenance, or repair of  
11 agricultural equipment, including software or other mechanisms that calibrate  
12 functionality or perform any other function required to operate, maintain, upgrade,  
13 activate, or bring the agricultural equipment back to a fully functional condition;

14 (19) "Trade secret," as defined in § 37-29-1; and

15 (20) "Updates," recommended corrections or adjustments to documentation, parts,  
16 software, specialty tools, tools, or information that are created and distributed by  
17 the manufacturer and used in offering the services of diagnosis, maintenance, or  
18 repair of agricultural equipment.

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

20 For agricultural equipment and parts for agricultural equipment that are sold or  
21 used in this state, a manufacturer shall make available on fair and reasonable terms to  
22 any independent repair provider and any owner of agricultural equipment manufactured  
23 by, on behalf of, or sold by the manufacturer, any code, documentation, parts, software,  
24 specialty tools, tools, and updates, inclusive of any updates to information on embedded  
25 software, required for the diagnosis, maintenance, or repair of the agricultural equipment.  
26 The code, documentation, parts, software, specialty tools, tools, and updates, must be  
27 made available either directly by the manufacturer or through an authorized repair  
28 provider or distributor.

29 For agricultural equipment that contains an electronic lock, immobilizer, or other  
30 security-related function, pursuant to this chapter and subject to the limitations of sections  
31 5 and 6 of this Act, the manufacturer shall make available to an independent repair  
32 provider or owner, on fair and reasonable terms, any documentation and tools needed to  
33 disable the lock, immobilizer, or function, and to reset it when disabled in the ordinary  
34 course of diagnosis, maintenance, or repair of the agricultural equipment.

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

2 A manufacturer's failure to provide code, documentation, parts, software, specialty  
3 tools, or tools, as described in section 2 of this Act, constitutes a deceptive act or practice  
4 pursuant to § 37-24-6.

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

6 Nothing in this Act may be construed to require a manufacturer to:

- 7 (1) Divulge any trade secret or any proprietary or confidential information;  
8 (2) Alter the terms of any arrangement between an authorized repair provider and a  
9 manufacturer, including the authorized repair provider's performance or provision  
10 of warranty or recall repair work on behalf of a manufacturer and pursuant to such  
11 an arrangement, except that any provision that purports to waive, avoid, restrict,  
12 or limit the manufacturer's obligations to comply with this Act is void and  
13 unenforceable;  
14 (3) Make available goods that would disable or override safety features or emission  
15 controls to adjust agricultural equipment power levels;  
16 (4) Develop new goods or update any obsolete goods in order to comply with this  
17 section;  
18 (5) Violate any federal, state, or local laws or regulations;  
19 (6) Provide an owner or independent repair provider access to any goods that are not  
20 required for the diagnosis, maintenance, or repair of agricultural equipment, or any  
21 goods that would enable reverse engineering of a manufacturer's goods;  
22 (7) Provide goods directly to an independent repair provider or owner provided the  
23 goods are made available through an authorized repair provider; or  
24 (8) Violate any confidentiality obligations or provide any information, mechanism,  
25 device, or other means, to allow an encrypted file to be unencrypted.

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

27 An independent repair provider or owner may not:

- 28 (1) Modify agricultural equipment to deactivate an anti-theft, safety, or security  
29 notification system, except as necessary to provide diagnosis, maintenance, or  
30 repair services, and if deactivation is necessary, the independent repair provider  
31 or owner must immediately reactivate any anti-theft, safety, or security notification  
32 system upon the completion of the diagnosis, maintenance, or repair;

1        (2) Override safety features, emission controls, adjust agricultural equipment power  
2        levels, or make any other modification to equipment , which brings the equipment  
3        out of compliance with any applicable federal, state, or local law or regulation;

4        (3) Access any function of a tool that allows the settings for a piece of agricultural  
5        equipment to be changed in a manner that brings the equipment out of compliance  
6        with any applicable federal, state, or local law or regulation; or

7        (4) Obtain or use code, documentation, parts, software, specialty tools, tools, or  
8        updates, to evade or violate emissions, copyright, trademark, safety, or patent  
9        laws, or to engage in any other illegal activity.

10        An independent repair provider or owner who violates any provision of this section  
11        is guilty of a Class 2 misdemeanor.

12        **Section 6. That a NEW SECTION be added to chapter 37-5:**

13        Neither a manufacturer nor an authorized repair provider is liable for any violation  
14        of law, damage, or injury to any agricultural equipment, individual, or person, which  
15        occurs during the course of, or as a result of, the repair, diagnosis, or maintenance of  
16        agricultural equipment by an independent repair provider or owner, provided the violation,  
17        damage, or injury occurred as a result of a manufacturer or authorized repair provider  
18        complying with this Act. This provision is not intended to release a manufacturer from any  
19        liability attributable to design or manufacturing defects as per chapter 20-9.

20        **Section 7. That a NEW SECTION be added to chapter 37-5:**

21        This Act applies to equipment first manufactured and sold on or after January 1,  
22        2014.

23        **Section 8. This Act is effective beginning October 1, 2026.**