



Two Maryland Locations:
New Windsor, MD 21776
Pocomoke, MD 21851

Senate Finance Committee
Maryland General Assembly
Annapolis, MD 21401

2/3/2021

Chairwoman Kelley and Senate Finance Committee Members

Good afternoon Chairwoman Kelley, Vice-Chair Feldman, and Committee Members. For the record, my name is Brad Hershey, and I am here to testify in **opposition to Senate Bill 412.**

I am a Shareholder and Store Manager of Hoover, Incorporated. We are a Case IH, Kubota, and JCB farm equipment dealership with locations in New Windsor and Pocomoke. We have additional business locations in Delaware, Pennsylvania and Virginia that help serve Maryland consumers. Our company was started by my grandfather, Bud Hoover, in 1941 and we have steadily grown to employ over 350 people in parts, service, sales, and general management.

The farm machinery Hoover sells is indeed an “integral link” in the world’s food supply chain. Our business is built on customer support and increasing farmer productivity. Each year we invest heavily in training, technology and infrastructure that enables us to support the machine uptime that is vital to our customer’s success.

Our company, and our major suppliers, support our customers, farmers and contractors, **right-to-repair.**

Right now, we and our major equipment supplier partner, make available to our farmer customers – on a subscription basis - the diagnostic and information tools they need to allow them to control their service requirements and machine downtime.

These tools are the same documentation, manuals, and information that our own technicians use. The electronic diagnostic tools provide the same output and service code information that our technicians see while diagnosing and repairing equipment whether remotely or on the farm.

If a Maryland customer of ours wants these tools, we support them in securing them and using them in a safe and productive manner. Likewise, with each new model year, manufacturers are providing significant advancements in our dealership ability to remotely access a customer's tractor or combine to rapidly help understand and deal with any repair issues.

We also work with local independent repair providers in our area by selling them parts, diagnostic tools, and information when they need it.

The electronic diagnostic and information tools that we currently make available to customers draws the clear distinction between lawful repair and unlawful modification. We support our customer's right-to-repair.

However, our dealership, our employees, our suppliers, and fellow members of the off-road equipment community **cannot support a right to access, or even worse, modify embedded code and operating software in machines that are complex and potentially dangerous when not maintained and operated properly.**

Creating a pathway to deploy modifications that potentially run counter to the US Clean Air Act mandated engine emissions controls, OSHA operator and by-stander safety mechanisms, performance of warranty or safety campaigns or altered machine operating and performance settings that adversely impact the used equipment market, does not serve the interest of Maryland public policy or the robust off-road equipment economy in the State of Maryland.

It is for these reasons that we ask that the committee take an unfavorable vote on SB – 412.

Thank you for your time and consideration. I am happy to take questions.