



---

## Opposition to HB562 Right to Repair – Farm Equipment

My name is Eric Marburger and I am Vice President & General Manager of GT Mid-Atlantic. **Respectfully, I'm writing to ask the committee to vote unfavorable on HB 562** ("Right to Repair – Farm Equipment").

GT Mid-Atlantic is a construction equipment dealer with business locations in Aberdeen, Baltimore, Frederick and Upper Marlboro along with locations in Delaware, New Jersey and Pennsylvania.

The definition of applicable products provided in HB562 is: FARM EQUIPMENT - MEANS EQUIPMENT THAT IS USED OR INTENDED FOR USE IN A FARM OPERATION. FARM EQUIPMENT" INCLUDES ANY COMBINE, TRACTOR, IMPLEMENT, ENGINE, MOTOR, OR ATTACHMENT. **This definition, whether intentional or not, expands well beyond the apparent intention of the bill.** The definition reaches into construction equipment products sold into agricultural applications (example: skid-steer loaders, track loaders, wheel loaders, backhoe loaders) as well as a myriad of other products such as unmanned drones, all-terrain vehicles, utility vehicles, irrigation equipment, telescopic handlers and bio-mass products, just to name a few.

**HB 562 puts our business and businesses like ours, in an untenable position** with customers, employees and our business partners. The bill would require that we isolate those products that could, or may, be sold into a farm operation and treat them differently, on a customer by customer basis, under the terms of the bill. Further, as we commonly work across state lines, the bill creates interstate commerce issues.

**HB 562 will adversely affect our business** and may in fact impair long-standing contracts that our company has with equipment suppliers.

**GTE Mid Atlantic has invested millions of dollars** in facilities, equipment, technical training and inventory that allows us to provide best-in-class, cost effective, product support for our construction equipment owners and operators. Likewise, we invest hundreds of thousands of dollars annually (over \$500,000 in 2021) to keep our professional technicians trained and proficient on the rapidly advancing technology built-in to our machines. That investment not only supports our local customers, but also provides an engine for employment growth in our business.

**HB 562 is not necessary.** GTE Mid Atlantic, and our industry, has a long-standing dedication to embracing and supporting customer's that wish to diagnose and repair their own equipment. Over 65% of the service parts we sell are sold directly to customers and independent service

providers who install those parts on their own. We make parts, technical publications, service tools and related information available to our customers.

**We support our customer's right-to-repair.** We take customer productivity very seriously and that's why our industry have taken the many steps that we have to make the diagnostic tools, information and parts available to customers who can self-determine where, who and when they want to find service for their machinery.

Industry data indicates that 98% of repairs on equipment can be done without the need for software downloads. **In the strongest terms the bill should not permit or mandate access to the software downloads on machine controllers.** These controllers manage highly sensitive areas of sophisticated equipment - including Emissions systems and maintaining emissions compliance with EPA Clean Air Act standards; safety functions; and key systems management.

For good reason, we do not provide, and the EPA does not permit us to provide, access to critical software, firmware, or embedded software as it relates to the engine control unit (ECU).

Finally, I want to add that the bill should give us all concern as we rapidly move toward autonomous equipment and other highly technical aspects of precision machine practices.

We respectfully ask that the committee **vote unfavorable on HB 562** .

Sincerely –

Eric Marburger  
Vice President & General Manager  
GT Mid-Atlantic

Email address: [ericmarburger@gtmidatlantic.com](mailto:ericmarburger@gtmidatlantic.com)