2/21/22 **SB 121**

KAHN TRACTOR AND EQUIPMENT
KT&E
North Franklin, CT

Opposition to SB 121
"Fair Right to Repair" Act

Joint Committee on General Law
Hearing: February 22, 2022 at 10:00 AM

Co-Chair Maroney, Co-Chair D'Agostino, Vice Chairs Farona and Gibson, Ranking Members Rutigliano and Witkos, and Committee Members.

Kahn Tractor and Equipment was founded over sixty-years ago in North Franklin. We are a family owned and operated business serving agricultural and construction customers in our region of Connecticut.

Our company, and our major suppliers, support our farmer's and contractor's **right-to-repair**. We do so by making available the same technical manuals, parts manuals, schematics and diagnostic software that our technicians use in their daily work. Customers and independent repair providers can access this diagnostic software and manuals on a subscription basis which is exactly the way our dealership accesses this information.

We oppose SB 121:

- We cannot support the parts sales mandate in the bill which will significantly damage our business and our investment in customer support.
- We cannot support the potential for modification of the software that controls the environmental and safety features of the equipment we sell and support.

Parts Sales: The mandate that anyone – regardless of qualification, investment and reputation – can purchase repair parts at the same cost and terms that authorized dealers pay is ultimately **destructive to our business and damaging to the customer that relies on us** for after-sales support. This ignores the investment in the customer service that we have built our business upon.

- Customer support suffers as our dealership no longer has financial incentive to hold parts inventory, including during peak times when customer needs are the greatest.
- Customer support suffers as our dealership will no longer be able to employ parts experts that provide critical support to make sure customers have the right parts at the right time.
- Customers and dealers will suffer because without the financial contribution that parts sales make to the bottom line, the survival of the dealer community in Connecticut is severely compromised.

Modification of Software: It's well known that customers can, and in many cases do, access the "dark market" to find software devices designed to defeat EPA mandated emissions control systems on machines and modifies engine horsepower.

The EPA mandates that OEMs and dealers prohibit over-riding factory installed emission systems by controlling the access to software that manages the engine compliance with emission standards.

As a dealer, we are required to remove engine and emissions defeat devices if we find them on customer's machines. An independent service provider is not held to the same standard and given the unlocking tools, will over-ride the system for the customer.

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.

Finally, regarding existing contracts between OEMs and authorized dealers." It's very difficult to understand how SB 121 won't interfere with existing contracts, particularly in the areas of environmental compliance, warranty issues and the destruction of our service parts revenue.

Respectfully, I ask that SB 121 not pass out of Committee.

Thank you for your consideration.

Tim Slate
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