

# Colorado's Consumer Right to Repair Agriculture Equipment Act

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On April 12, 2023, the Colorado legislature passed the Consumer Right to Repair Agriculture Equipment Act (the "Act"). Under the Act, manufacturers of "agricultural equipment" will be required to provide independent repair shops and individual equipment owners with parts, software, firmware, tools (including diagnostic tools), and documentation to aid in the repair of that equipment. In so doing, the Act grants consumers the practical ability to repair their agricultural equipment without needing to seek service from the manufacturer or its authorized dealers.

The Act contains some protections for manufacturers. Although it generally does not contain restrictions on consumers' use of parts or software, it does include a carve-out providing that a manufacturer need not divulge any trade secrets to independent repair providers and owners, so long as the usability of the repair resources is not diminished. Additionally, manufacturers are not liable for faulty or improper repairs provided by independent repair providers or owners, even if the faulty repairs result in a loss of use of the equipment.

There is some uncertainty regarding the scope of agricultural equipment subject to the Act's requirements. The Act defines "agricultural equipment" as "equipment that is primarily designed for use in a farm or ranch operation" and explicitly identifies the following equipment as examples: a tractor, trailer, combine, sprayer, tillage implement, baler, and "other equipment used to plant, cultivate or harvest agricultural products or to ranch." While the Act specifically excludes motor vehicles, powersports vehicles, aircraft, and irrigation equipment, its full coverage remains an open question.

Further, the Act contains two important caveats. First, it purports to exempt from its requirements agricultural equipment manufacturers that have entered into a "nationwide memorandum of understanding" on the right-to-repair issue, assuming that any such MOU would not deny owners or independent repair shops the information and tools guaranteed by the Act. (An obvious nod to the recent MOUs entered into between the American Farm Bureau Federation and [Deere](#) and [CNH Industrial](#).) Second, by its own terms, the Act would be repealed if the U.S. Congress enacts federal

legislation establishing a right to repair agricultural equipment.

If signed by Governor Polis, the Act will become the first law of its kind. That said, Colorado is hardly alone in its effort to pass an agriculture right-to-repair law; at least 11 other state legislatures have proposed bills that would provide consumers similar rights.

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