

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3617

By: Lawson of the House

and

Murdock of the Senate

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to agriculture right to repair;
10 creating the Oklahoma Agriculture Right to Repair
11 Act; defining terms; requiring original equipment
12 manufacturers who sell agricultural equipment and
13 parts to follow certain requirements; prohibiting
14 certain acts by original equipment manufacturer;
15 requiring original equipment manufacturer to make
16 available certain items; directing the Attorney
17 General to enforce this act; providing clarification
18 on exemptions; providing applicability; providing for
19 codification; and providing an effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 4101 of Title 2, unless there is
23 created a duplication in numbering, reads as follows:

24 This act shall be known and may cited as the "Oklahoma
Agricultural Right to Repair Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 4102 of Title 2, unless there is
3 created a duplication in numbering, reads as follows:

4 As used in this act:

5 1. "Agricultural equipment" or "equipment" means products used
6 in agricultural, horticultural, viticultural, dairy products,
7 livestock, and the products thereof, the products of poultry and bee
8 raising, products of forestry, products used in property
9 maintenance, and any and all products raised or produced on farms
10 and processed or manufactured products thereof, transported or
11 intended to be transported in interstate or foreign commerce.
12 Agricultural equipment does not include a motor vehicle that is
13 designed to transport individuals or property on a street or highway
14 and is certified by a motor vehicle manufacturer under all
15 requirements for the distribution and sale of motor vehicles in the
16 United States, industrial, construction, compact construction,
17 mining, or road-building equipment;

18 2. "Authorized repair provider" means an individual or business
19 who has an arrangement with the original equipment manufacturer
20 under which the original equipment manufacturer grants to the
21 individual or business a license to use a trade name, service mark,
22 or other proprietary identifiers for the purposes of offering the
23 services of diagnosis, maintenance, or repair of agricultural
24 equipment under the name of the original equipment manufacturer, or

1 other arrangement with the original equipment manufacturer to offer
2 such services on behalf of, or under contract to, the original
3 equipment manufacturer. An original equipment manufacturer who
4 offers the services of diagnosis, maintenance, or repair of its own
5 agricultural equipment shall be considered an authorized repair
6 provider with respect to such equipment;

7 3. "Documentation" means any manual, maintenance procedures,
8 functional and wiring diagrams, reporting output, service code
9 description, board view file or complete PCB layout, PCB schematic,
10 security code, password, training material, troubleshooting
11 information, full list of required tools, full parts list, and other
12 guidance or information used in effecting the services of diagnosis,
13 maintenance, or repair of agricultural equipment;

14 4. "Embedded software" means any programmable instructions
15 provided on firmware (a software program or set of instructions
16 programmed on agricultural equipment, or on a part of such
17 agricultural equipment, to allow the agricultural equipment or part
18 to communicate within itself or with other computer hardware)
19 delivered with or loaded to the agricultural equipment, with respect
20 to agricultural equipment operation, including all relevant patches
21 and fixes made by the manufacturer, including items described as
22 "basic internal operating system", "internal operating system",
23 "machine code", "assembly code", "root code", and "microcode";

24 5. "Fair and reasonable terms" means all of the following:

1 a. with respect to parts, made available by the original
2 equipment manufacturer, either directly or through an
3 authorized repair provider, in a manner that:

4 (1) is not conditioned on or imposing a substantial
5 obligation or restriction that is not reasonably
6 necessary for enabling the owner or independent
7 repair provider to engage in the diagnosis,
8 maintenance, or repair of agricultural equipment
9 made by or on behalf of the original equipment
10 manufacturer,

11 (2) does not require a minimum or maximum quantity of
12 parts that owners and independent repair
13 providers can purchase, and

14 (3) does not condition access to parts on any
15 additional contract other than a purchase order,

16 b. with respect to documentation, made available by the
17 original equipment manufacturer without requiring any
18 contract agreement or account creation and at no
19 charge except that, when the documentation is
20 requested in physical printed form, a charge may be
21 included for the reasonable actual costs of preparing
22 and sending the copy,

23 c. with respect to tools, made available by the original
24 equipment manufacturer at no charge, except that, when

1 a tool is requested in physical form, a charge may be
2 included for the reasonable, actual costs of preparing
3 and sending such tool,

4 d. without requiring authorization or Internet access for
5 the use or operation of such tools, or imposing
6 impediments to access or use of the tools to diagnose,
7 maintain, or repair and enable full functionality of
8 agricultural equipment, and

9 e. in a manner that does not impair the efficient and
10 cost-effective performance of any such diagnosis,
11 maintenance, or repair;

12 6. "Independent repair provider" means an individual or
13 business operating in this state that does not have an arrangement
14 described in paragraph 2 of this section with an original equipment
15 manufacturer, and who is engaged in the services of diagnosis,
16 maintenance, or repair of agricultural equipment;

17 7. "Original equipment manufacturer (OEM)" or "manufacturer"
18 means a business engaged in the business of selling, leasing, or
19 otherwise supplying new agricultural equipment manufactured by or on
20 behalf of itself, to any individual or business;

21 8. "Owner" means an individual or business who owns or leases
22 agricultural equipment purchased or used in this state;

23 9. "Part" means any replacement part, either new or used, made
24 available or used by an original equipment manufacturer or its

1 authorized repair providers for purposes of effecting the services
2 of maintenance or repair of agricultural equipment manufactured by,
3 or on behalf of, sold or otherwise supplied by the original
4 equipment manufacturer;

5 10. "Parts pairing" refers to the practice by manufacturers of
6 using software to identify component parts through a unique
7 identifier;

8 11. "Tool" means any software program, hardware implement, or
9 other apparatus used for diagnosis, maintenance, or repair of
10 agricultural equipment, including software or other mechanisms that
11 provide, program, or pair a new part, calibrate functionality, or
12 performs any other function required to bring the product back to
13 fully functional condition, including any updates;

14 12. "Trade secret" means information, including a formula,
15 pattern, compilation, program, device, method, technique, or
16 process, that:

17 a. derives independent economic value, actual or
18 potential, from not being generally known to, and not
19 being readily ascertainable by proper means by other
20 persons who can obtain economic value from its
21 disclosure or use, and

22 b. is the subject of efforts that are reasonable under
23 the circumstances to maintain its secrecy;

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1 13. "Updates" means recommended corrections or adjustments to
2 parts, tools, or information that are created and distributed by the
3 OEM and used in offering the services of diagnosis, maintenance, or
4 repair of agricultural equipment.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 4103 of Title 2, unless there is
7 created a duplication in numbering, reads as follows:

8 A. For agricultural equipment and parts for such equipment that
9 are sold or used in Oklahoma, an original equipment manufacturer
10 shall make available to any independent repair provider or owner of
11 agricultural equipment manufactured by, on behalf of, or sold by
12 such original equipment manufacturer, on fair and reasonable terms,
13 any documentation, parts, and tools, required for the diagnosis,
14 maintenance, or repair of such agricultural equipment and parts for
15 such equipment, inclusive of any updates. Such documentation, parts
16 and tools shall be made available either directly by such original
17 equipment manufacturer or via an authorized repair provider or
18 distributor.

19 B. An original equipment manufacturer shall not use parts
20 pairing or any other mechanism to:

21 1. Prevent the installation or functioning of any otherwise-
22 functional part, including a nonmanufacturer-approved replacement
23 part or component;

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1 2. Inhibit or reduce the functioning of any part or board-level
2 component, such that replacement by an independent repair provider
3 or the device owner would cause the device to operate with reduced
4 functionality or performance;

5 3. Create false, misleading, deceptive, or nondismissible
6 alerts or warnings about parts;

7 4. Charge additional fees or increased prices for future
8 repairs; or

9 5. Limit who can purchase documentation, parts, and tools or
10 perform repair services.

11 C. For equipment that requires deactivating an electronic lock
12 for purposes of repair, the original equipment manufacturer shall
13 make available to any owner, or independent repair provider, with
14 the express permission of the owner, on fair and reasonable terms,
15 any special documentation, tools, and parts needed to access and
16 reset the lock or function when disabled in the course of diagnosis,
17 maintenance, or repair of such equipment. Such documentation,
18 tools, and parts may be made available through an appropriate secure
19 release system.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 4104 of Title 2, unless there is
22 created a duplication in numbering, reads as follows:

23 If the Attorney General determines that a failure to provide
24 documentation, parts, or tools as described in Section 3 of this act

1 constitutes an unfair method of competition, false advertising, or
2 unfair or deceptive trade practices, all remedies, penalties, and
3 authority granted to the Attorney General by the Oklahoma Statutes
4 shall be available to the Attorney General for the enforcement of
5 this act.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 4105 of Title 2, unless there is
8 created a duplication in numbering, reads as follows:

9 A. Nothing in this act shall be construed to require an
10 original equipment manufacturer to divulge any trade secret to any
11 owner or independent service provider, except as necessary to
12 perform diagnosis, maintenance, or repair on fair and reasonable
13 terms.

14 B. Nothing in this act shall be construed to alter the terms of
15 any arrangement described in subsection A of Section 3 of this act
16 in force between an authorized repair provider and an original
17 equipment manufacturer, including, but not limited to, the
18 performance or provision of warranty or recall repair work by an
19 authorized repair provider on behalf of an original equipment
20 manufacturer and pursuant to such arrangement, except that any
21 provision in such terms that purports to waive, avoid, restrict or
22 limit the original equipment manufacturer's obligations to comply
23 with this act shall be void and unenforceable.

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1 C. No original equipment manufacturer or authorized repair
2 provider shall be liable for any damage or injury to any
3 agricultural equipment caused by an independent repair provider or
4 owner which occurs during the course of repair, diagnosis, or
5 maintenance and is not attributable to the original equipment
6 manufacturer or authorized repair provider other than if the failure
7 is attributable to design or manufacturing defects.

8 D. Nothing in this act shall be construed to require a
9 manufacturer to make available special documentation, tools, and
10 parts that would disable or override anti-theft security measures
11 set by the owner of the product without the owner's authorization.

12 E. Nothing in this act shall be construed to require a
13 manufacturer to sell a part if the part is no longer available to
14 the manufacturer.

15 F. Nothing in this act shall be construed to require a
16 manufacturer to sell any service materials that would be illegal to
17 use under federal or state law.

18 G. Nothing in this act shall be construed to prevent a parts
19 dealer from marking up goods over the wholesale price.

20 SECTION 6. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 4106 of Title 2, unless there is
22 created a duplication in numbering, reads as follows:

23 This act applies to equipment first manufactured and sold on or
24 after the effective date of this act.

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SECTION 7. This act shall become effective November 1, 2026.

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