

1 STATE OF OKLAHOMA

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

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 3617

By: Lawson

7 POLICY COMMITTEE RECOMMENDATION

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

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

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

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

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

1 As used in this act:

2 1. "Agricultural equipment" or "equipment" means products used
3 in agricultural, horticultural, viticultural, dairy products,
4 livestock, and the products thereof, the products of poultry and bee
5 raising, products of forestry, products used in property
6 maintenance, and any and all products raised or produced on farms
7 and processed or manufactured products thereof, transported or
8 intended to be transported in interstate or foreign commerce.

9 Agricultural equipment does not include a motor vehicle that is
10 designed to transport individuals or property on a street or highway
11 and is certified by a motor vehicle manufacturer under all
12 requirements for the distribution and sale of motor vehicles in the
13 United States, industrial, construction, compact construction,
14 mining, or road-building equipment;

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

1 offers the services of diagnosis, maintenance, or repair of its own
2 agricultural equipment shall be considered an authorized repair
3 provider with respect to such equipment;

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

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

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

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

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

8 (2) does not require a minimum or maximum quantity of
9 parts that owners and independent repair
10 providers can purchase, and

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

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

20 c. with respect to tools, made available by the original
21 equipment manufacturer at no charge, except that, when
22 a tool is requested in physical form, a charge may be
23 included for the reasonable, actual costs of preparing
24 and sending such tool,

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

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

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

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

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

20 9. "Part" means any replacement part, either new or used, made
21 available or used by an original equipment manufacturer or its
22 authorized repair providers for purposes of effecting the services
23 of maintenance or repair of agricultural equipment manufactured by,
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1 or on behalf of, sold or otherwise supplied by the original
2 equipment manufacturer;

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

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

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

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

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

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

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

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

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

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

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

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

5 4. Charge additional fees or increased prices for future
6 repairs; or

7 5. Limit who can purchase documentation, parts, and tools or
8 perform repair services.

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

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

21 If the Attorney General determines that a failure to provide
22 documentation, parts, or tools as described in Section 3 of this act
23 constitutes an unfair method of competition, false advertising, or
24 unfair or deceptive trade practices, all remedies, penalties, and

1 authority granted to the Attorney General by the Oklahoma Statutes
2 shall be available to the Attorney General for the enforcement of
3 this act.

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

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

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

22 C. No original equipment manufacturer or authorized repair
23 provider shall be liable for any damage or injury to any
24 agricultural equipment caused by an independent repair provider or

1 owner which occurs during the course of repair, diagnosis, or
2 maintenance and is not attributable to the original equipment
3 manufacturer or authorized repair provider other than if the failure
4 is attributable to design or manufacturing defects.

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

9 E. Nothing in this act shall be construed to require a
10 manufacturer to sell a part if the part is no longer available to
11 the manufacturer.

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

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

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

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

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

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