**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976 BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO DEFINE CERTAIN TERMS, PROVIDE A FARM EQUIPMENT MANUFACTURER SHALL MAKE DIAGNOSTIC AND REPAIR DOCUMENTATION AVAILABLE TO AN INDEPENDENT REPAIR PROVIDER OR OWNER OF FARM EQUIPMENT MANUFACTURED BY THE FARM EQUIPMENT MANUFACTURER UNDER CERTAIN CIRCUMSTANCES, PROVIDE A FARM EQUIPMENT MANUFACTURER THAT SELLS FARM EQUIPMENT THAT CONTAINS A SECURITY‑RELATED FUNCTION SHALL MAKE AVAILABLE TO AN OWNER OR INDEPENDENT REPAIR PROVIDER INFORMATION NEEDED TO RESET THE LOCK OR FUNCTION, PROVIDE A FARM EQUIPMENT MANUFACTURER MAY PROVIDE INFORMATION TO RESET AN IMMOBILIZER SYSTEM OR SECURITY‑RELATED ELECTRONIC MODULE THROUGH A SECURE DATA RELEASE SYSTEM, PROVIDE A PROVISION IN AN AUTHORIZED REPAIR AGREEMENT PURPORTING TO WAIVE, AVOID, OR LIMIT A FARM EQUIPMENT MANUFACTURER’S COMPLIANCE IS VOID, AND PROVIDE A PENALTY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 46 of the 1976 Code is amended by adding:

“CHAPTER 57

Farm Equipment Repair

Section 46‑57‑10. As contained in this chapter:

(1) ‘Authorized repair provider’ means a person that has an arrangement with a farm equipment manufacturer under which the farm equipment manufacturer authorizes the person to:

(a) use a trade name, a service mark, or any other proprietary identifier for the purpose of offering the services of diagnosis, maintenance, or repair of farm equipment under the name of the farm equipment manufacturer; or

(b) offer diagnosis, maintenance, or repair services on behalf of the farm equipment manufacturer.

‘Authorized repair provider’ includes a farm equipment manufacturer that offers diagnosis, maintenance, or repair services of its own farm equipment.

(2) ‘Documentation’ means any manual, diagram, reporting output, service code description, schematic diagram, or other information provided to an authorized repair provider for the diagnosis, maintenance, or repair of farm equipment.

(3) ‘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.

(4) ‘Farm equipment manufacturer’ means a person engaged in the business of selling or leasing new farm equipment to another person and engaged in the diagnosis, service, maintenance, or repair of farm equipment.

(5) ‘Independent repair provider’ means a person operating in the State that is not affiliated with a farm equipment manufacturer or its authorized repair provider and that is engaged in the diagnosis, service, maintenance, or repair of farm equipment. ‘Independent repair provider’ includes a farm equipment manufacturer when it engages in the diagnosis, service, maintenance, or repair of farm equipment that is not affiliated with the farm equipment manufacturer.

(6) ‘Trade secret’ has the same meaning as contained in Section 39‑8‑20(5).

Section 46‑57‑20. (A) This chapter applies only to farm equipment that is sold or used in the State.

(B) This chapter does not apply to a farm equipment manufacturer that provides diagnostic repair documentation to aftermarket diagnostic tool manufacturers, diagnostic providers, or service information publications and systems.

(C) This chapter may not be construed to require an equipment manufacturer or authorized repair provider to:

(1) divulge a trade secret; or

(2) provide access to documentation that does not serve a security reset, diagnostic, service, or repair purpose.

Section 46‑57‑30. (A) A farm equipment manufacturer shall make diagnostic and repair documentation available to an independent repair provider or owner of farm equipment manufactured by the farm equipment manufacturer.

(B) Subject to subsection (C), a farm equipment manufacturer that sells farm equipment that contains a security‑related function shall make available to an owner or independent repair provider any repair documentation or updates needed to reset the lock or function.

(C) If necessary for security purposes, a farm equipment manufacturer may provide information necessary to reset an immobilizer system or security‑related electronic module through a secure data release system.

(D) Any provision in an authorized repair agreement purporting to waive, avoid, or limit a farm equipment manufacturer’s compliance with this chapter is void.

Section 46‑57‑40. (A) A violation of this chapter is an unfair, abusive, or deceptive trade practice.

(B) a person convicted of a violation of this section must be fined not more than one thousand dollars.”

SECTION 2. This act takes effect upon approval by the Governor.

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