

Economic Matters Committee
Maryland General Assembly
Annapolis, MD 221401

1/27/2010

Chairman Dereck Davis; Vice-Chair Kathleen Dumais; Committee Members

Good afternoon Chairman Davis and Committee Members, for the record my name is Robert Dinsmore and I am here to testify in opposition to HB 84 because, in our industry, the bill is unnecessary and ill-advised.

I'm the principal owner of Ceresville New Holland, Inc. a farm and rural lifestyle equipment dealership located in Frederick. MD. Our company has served our community of customers since 1947 and we employ 16 people in sales, service and administration. Our business and our industry are built on long-term relationships with our customers. We hold on to those relationships based on the service we provide after the tractor is sold. Uptime of the machines purchased by our grower / producer customers and professional users is critical to them and to us.

To support customer maximum uptime, I can report the leaders in our industry are now making available to customers – on fair and reasonable terms- and through dealers like me, tools they have asked for to allow them to better control their service requirements and downtime. A purchaser of New Holland equipment can now acquire a subscription to the diagnostic software that my technicians use in our shop. Customers can purchase the same operator's manuals, parts manuals, technical manuals and technical schematics that my employees use. Customers can purchase "how to videos" on a number of service and maintenance topics. And, customers that want to do repair have always readily been able to identify, find and purchase the parts they need when they need them. And finally, customers have access to our highly trained and equipped service technicians, in our shop, or at the customer's location

I also should add that with each generation of new tractor the on-board diagnostics capability is enhanced, and the operator has significantly greater access to diagnostic and issue correcting information. Likewise, we continue to see vast advancements in our ability to remotely access a customer's tractor to help the customer understand and deal with any issues.

There remain two areas in the bill that are of great concern to the off-road equipment business. 1) the requirement that manufacturers provide updates to embedded software; and 2) the requirement to provide re-set capability for security systems.

The owner of a piece of equipment has the right to lawfully repair his or her equipment. However, modifying or reverse engineering the embedded software can create a situation where

the machine does not meet customer expectations, may exceed acceptable emission levels, or might create an unsafe environment for those operating the vehicle, those by-standers near the vehicle, independent repair providers or my technicians repairing the vehicle. Dealers like us do not have access to the embedded code.

The second concern is the requirement to provide re-set capability for security systems. The most common reason that a tractor goes into a "limp mode" is a failure in the engine. Failures in the engine are more often than not the result of, or create a failure of, the emission control systems on the tractor. These systems are not unlike the catalytic converter on your car. Knowingly, or intentionally, ignoring, defeating or over-riding the emissions system on a tractor is illegal and is potentially very expensive for the owner. Setting the stage for this potential situation conflicts with existing law and does not make good sense.

For these reasons that we ask that you set aside HB-84 particularly for off-road equipment.

Thank you for your time and consideration.