

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 737

**FISCAL
NOTE**

By Senators Hamilton, Deeds, Thorne, Woelfel, and
Woodrum

[Introduced March 11, 2025; referred
to the Committee on Education; and then to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §19-40-1, §19-40-2, §19-40-3, and §19-40-4, relating to creating the West
3 Virginia Farm Equipment Right to Repair Pilot Program; stating legislative findings;
4 providing definitions; specifying pilot program parameters; and authorizing rulemaking.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 40. CREATING THE WEST VIRGINIA FARM EQUIPMENT RIGHT TO
REPAIR PILOT PROGRAM.**

§19-40-1. Short title; legislative findings.

1 (a) This article shall be referred to as the West Virginia Farm Equipment Right to Repair
2 Pilot Program.

3 (1) The legislature finds that farmers in the state of West Virginia are facing immense
4 difficulty when their farm equipment fails, needs maintenance, or when repairs require a specific tool or
5 technology not readily or locally available. Furthermore, farmers are left to make decisions as to
6 whether to accept a loss as expensive equipment needs repair or to risk voiding warranty
7 agreements if self-help is pursued. The legislature, along with the Commissioner of Agriculture, as
8 well as interested parties who do business with this sector in the state, seeks to form a solution to
9 this problem without impeding the business operations of dealerships and manufacturers of farm
10 equipment or causing greater harm to farmers in need.

11 (2) The legislature finds that the provisions of the West Virginia Farm Equipment Repair
12 Pilot Program accomplish the objective to provide farmers with access to efficient repairs and allowing
13 businesses to expand and grow in the state of West Virginia by seeking to work with local
14 vocational and technical school programs to partner with the businesses involved in farm
15 equipment in this state, such as the manufacturers and dealerships, to enable student training with
16 appropriate equipment, skills, or tools as provided by the businesses to train a local workforce that
17 qualifies as an authorized repair provider resource for farmers.

§19-40-2. Definitions.

1 As used in this article:

2 (1) "Authorized repair provider" means:

3 (A) A person or entity that has an arrangement for a definite or indefinite period in which a
4 manufacturer grants, to a separate person or entity, a license to use a tradename, service mark, or
5 related characteristic for purposes of offering the services of diagnosis, maintenance, or repair of
6 equipment under the name of the original equipment manufacturer;

7 (B) An original equipment manufacturer who offers the services of diagnosis,
8 maintenance, or repair of its own equipment, and who does not have an arrangement described in
9 this subsection with an unaffiliated individual or business, shall be considered an authorized repair
10 provider with respect to such equipment; and

11 (C) The term used to incorporate what students trained in the pilot program will eventually
12 become upon completion of the program and likewise, means the teachers designated as such by
13 businesses providing the training and tools necessary to achieve such designation.

14 (2) "Business or businesses" means, as applied in the provisions of this article, to be
15 inclusive of the manufacturers or dealerships of agriculture equipment or farm equipment relevant
16 to the establishment of this program in West Virginia.

17 (3) "Commissioner" means the Commissioner of Agriculture.

18 (4) "Farm Equipment" means any equipment or vehicle designed and used primarily for
19 agricultural operations and further incorporates any refined or specified definitional term as
20 provided by legislative rules authorized and promulgated in accordance with this article.

§19-40-3. The West Virginia Farm Equipment Right to Repair Pilot Program.

1 (a) The commissioner, along with local vocational and career or technical "CTE" centers
2 and instructors, will work with businesses as defined herein to establish and facilitate the pilot
3 program to ensure that CTE instructors are provided with the educational tool, or technologies, as
4 required to make localized repairs to farm equipment and train students for future jobs in the

5 program.

6 (1) The program is to be set up in a community partnership-style arrangement, to first meet
7 with the commissioner to collaborate and form a plan of implementation, operation, and scope, to
8 result in a functional effort and result of a startup model for this program which addresses the
9 needs, as possible, of each entity or person involved. The effort shall culminate in a deliverable,
10 result-based strategic plan of implementation, with documents or instruments affirming the
11 commitment to facilitating the right to repair through educational efforts in this state.

12 (2) The deliverable, result-based items included in the strategic plan of implementation
13 shall include, but is not limited to, memorandums of understanding or other agreements as
14 needed between and amongst any involved groups, government entities, and the other parties in
15 business who will be participants in the pilot program.

16 (b) The pilot program will be hosted at the facilitation by the commissioner alongside
17 educational partners to meet and address this issue with businesses involved as needed in order to
18 plan and begin implementation of the program and commence training activities, and to
19 negotiate or address funding needs, planning coordination, location of programmatic trainings,
20 and future facilitation of the full-scale program upon success of the pilot program.

§19-40-4. Rulemaking authority.

1 (a) The Commissioner of Agriculture shall propose legislative rules for promulgation in
2 accordance with to §29A-3-1 et seq. to establish and modify or specify functional considerations
3 as provided by the provisions of this article or as otherwise may be needed to act in furtherance of
4 the pilot program.

5 (b) The proposed legislative rules shall include, but not be limited to:

6 (1) Those for the purpose of necessary facilitation needed to implement and make
7 specifications as to the administration and programmatic or procedural function of the program;
8 and

9 (2) As stated in §19-40-3(a) of this code, those required for any agreements required

10 between educational and other parties such as the businesses involved in the pilot program.

NOTE: The purpose of this bill is to create the West Virginia Farm Equipment Right to Repair Pilot Program. The bill states legislative findings; provides definitions; specifies pilot program parameters; and authorizes rulemaking.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.