

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 737**

By Senators Hamilton, Deeds, Thorne, Woelfel,

Woodrum, and Takubo

[Reported March 25, 2025, from the Committee on  
Education]

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 Repair Pilot Program; stating legislative findings; providing  
4 definitions; allowing the Commissioner of Agriculture, when a need is identified by one of  
5 the specified entities, to authorize a farm equipment repair pilot program in which a career  
6 and technical education center, comprehensive high school, or the community and  
7 technical college works with businesses to establish and facilitate a program to ensure that  
8 instructors are provided with the educational or technologies required to make localized  
9 repairs to farm equipment and train students for future jobs in the program; limiting number  
10 of pilot programs to five; allowing program to be set up in a community partnership-style  
11 arrangement and to be initiated by first meeting with the commissioner to collaborate and  
12 form a plan of implementation, operation, and scope that will result in a functional effort and  
13 startup model; allowing certain agreements to be included in the deliverable, result-based  
14 items included in the strategic plan of implementation; prohibiting repair providers and  
15 businesses from being required to disclose any proprietary training, tools, or software to  
16 participate in the pilot programs; allowing pilot program to be facilitated under guidelines  
17 set forth by the commissioner alongside educational partners; and requiring the  
18 commissioner, in collaboration with the West Virginia Board of Education and the Higher  
19 Education Policy Commission, to propose legislative rules for promulgation.

*Be it enacted by the Legislature of West Virginia:*

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

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

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

3       **(b) 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       **(c) 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 repair provider resource for farmers.**

**§19-40-2. Definitions.**

1       **As used in this article:**

2       **"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, may be considered a repair provider**  
10 **with respect to such equipment; and**

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

"Business or businesses" means, as applied in the provisions of this article, to be inclusive of the manufacturers or dealerships of agriculture equipment or farm equipment who elect to participate and are relevant to the establishment of this program in West Virginia.

"Commissioner" means the Commissioner of Agriculture.

"Farm Equipment" means any equipment or vehicle designed and used primarily for agricultural operations and further incorporates any refined or specified definitional term as provided by legislative rules authorized and promulgated in accordance with this article, but excludes a motor vehicle designed primarily for transporting persons or property on public roadways.

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

(a) When a career and technical education center, comprehensive high school, or community and technical college identifies a need for a farm equipment repair pilot program, the commissioner may authorize a pilot program in which the career and technical education center, the comprehensive high school, or the community and technical college works with businesses as defined in this article to establish and facilitate a pilot program to ensure that instructors are provided with the educational tools or technologies required to make localized repairs to farm equipment and train students for future jobs in the program: *Provided*, That the commissioner may not authorize more than five pilot programs statewide.

(1) The program may be set up in a community partnership-style arrangement and may be initiated by first meeting with the commissioner to collaborate and form a plan of implementation, operation, and scope, that will result in a functional effort and result in a startup model for this program which addresses the needs, as possible, of each entity or person involved. The effort may culminate in a deliverable, result-based strategic plan of implementation, with documents

or instruments affirming the commitment to facilitating the repair of farm equipment through educational efforts in this state.

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

(3) Repair providers and businesses shall not be required to disclose any proprietary training, tools, or software to participate in the pilot programs.

(b) The pilot program may be facilitated under guidelines set forth by the commissioner alongside educational partners who may meet and address this issue with businesses involved as needed in order to plan and begin implementation of the program and commence training activities, and to negotiate or address funding needs, planning coordination, location of programmatic trainings, and future facilitation of the full-scale programs upon success of the pilot programs.

**§19-40-4. Rulemaking authority.**

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

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

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

(2) As stated in §19-40-3(a) of this code, those required for any agreements required between educational and other parties such as the businesses involved in the pilot program.

- 12            (3) Any rules proposed or promulgated shall not require repair providers or businesses to  
13   disclose any proprietary training, tools, or software to participate in the pilot programs.