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**CHAIR:**

**WITH  / WITHOUT**

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1st SESSION, 67th GENERAL ASSEMBLY  
Province of Prince Edward Island  
2 CHARLES III, 2023

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**(Bill No. 110)**

**An Act to Amend the Farm Machinery Dealers and  
Vendors Act**

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Robert L. Henderson  
MLA

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PRIVATE MEMBER'S BILL

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Andrea MacRae  
Acting King's Printer  
Charlottetown, Prince Edward Island





## AN ACT TO AMEND THE FARM MACHINERY DEALERS AND VENDORS ACT

BILL NO. 110

2023

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BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

**1. Section 1 of the *Farm Machinery Dealers and Vendors Act* R.S.P.E.I. 1988, Cap. F-4.01 is amended**

**(a) by the repeal of clause (a) and the substitution of the following:**

(a) “**branded farm machinery**” means farm machinery branded as being produced by a specific vendor;

(a.1) “**Court**” means the Supreme Court;

**(b) by the addition of the following after clause (d):**

(d.1) “**farm repair business**” means a business that diagnoses, maintains or repairs farm machinery;

**(c) by the addition of the following after clause (e):**

(e.1) “**purchaser**” means a farmer who resides in Prince Edward Island and who

(i) purchases, or

(ii) leases, with or without the right to purchase,

farm machinery from a dealer in Prince Edward Island for the farmer’s own use.

**2. The Act is amended by the addition of the following after section 11:**

**11.1 Right to repair**

(1) At the request of a purchaser of farm machinery or a farm repair business, a vendor must, within a reasonable time, provide the most recent version of the repair manual, repair parts, software and other tools that the vendor uses, or provides to others, for

- (a) diagnosing, maintaining, or repairing its branded farm machinery; or
- (b) resetting an electronic security function of its branded farm machinery if the function is disabled during diagnosis, maintenance or repair.

**No charge for repair manual**

- (2) The vendor must provide access to the repair manual at no charge, unless the purchaser or farm repair business requests a paper version of the repair manual.

**Printed repair manual at cost**

- (3) If the purchaser or farm repair business requests a paper version of the repair manual, the vendor may charge a fee, but the fee may not exceed a reasonable estimate of the costs of printing the repair manual.

**Confidentiality agreement**

- (4) The vendor may require a person who is provided a repair manual to sign a confidentiality agreement if the repair manual discloses a trade secret of the vendor.

**Parts, software, tools at fair price**

- (5) A vendor may charge a fee for providing parts, software and other tools but only if the vendor
  - (a) does not discriminate in respect of the amount of the fee charged to a purchaser or a farm repair business and any other person; and
  - (b) ensures that the net profit percentage of the charged fee does not exceed a reasonable estimate of the net profit percentage that the vendor earns for diagnostic, maintenance, or repair services, if the vendor provides those services.

**11.2 Consequences of non-compliance**

A vendor who refuses or is unable to comply with section 11.1 shall, upon request from a purchaser of the vendor's branded farm machinery,

- (a) replace the branded farm machinery at no cost; or
- (b) refund the amount paid by the purchaser to purchase the branded farm machinery.

## **EXPLANATORY NOTES**

**SECTION 1** requires a vendor to make the repair manual for its farm machinery available for free, or at a fair price if it is a printed version, and provide other items necessary to repair its farm machinery to purchasers and repair businesses at a fair price.

**SECTION 2** provides that if a vendor does not make the necessary items available, the vendor must replace the farm machinery at no charge or refund the purchase price.

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(Bill No. 110)

**An Act to Amend the Farm Machinery Dealers and  
Vendors Act**

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

**SIGNATURES:**

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Honourable Antoinette Perry, Lieutenant Governor

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Honourable Darlene Compton, Speaker

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Joseph Jeffrey, Clerk

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2022  
1st SESSION, 67th GENERAL ASSEMBLY