1   Amend reengrossed bill, page 2, line 7, after "(1.7)," insert "(3.2),".

2   Page 4, after line 25 insert:

3   "(3.2) (a) "EMBEDDED SOFTWARE FOR AGRICULTURAL EQUIPMENT"
4   MEANS ANY PROGRAMMABLE INSTRUCTIONS PROVIDED ON FIRMWARE
5   DELIVERED WITH OR LOADED TO THE AGRICULTURAL EQUIPMENT, WITH
6   RESPECT TO AGRICULTURAL EQUIPMENT OPERATION.
7   (b)   "EMBEDED SOFTWARE FOR AGRICULTURAL EQUIPMENT"
8   INCLUDES ALL RELEVANT PATCHES AND FIXES THAT THE MANUFACTURER
9   MAKES, INCLUDING, BUT NOT LIMITED TO, ITEMS DESCRIBED AS "BASIC
10   INTERNAL OPERATING SYSTEM", "INTERNAL OPERATING SYSTEM",
11   "MACHINE CODE", "ASSEMBLY CODE", "ROOT CODE", AND "MICROCODE".".

12   Page 5, line 3, after "embedded software," insert "EMBEDDED SOFTWARE
13   FOR AGRICULTURAL EQUIPMENT,".

14   Page 6, strike lines 3 through 6 and substitute:

15   "**SECTION 3.** In Colorado Revised Statutes, 6-1-1503, **amend**
16   (1), (2)(a)(II), (2)(b)(II), (3)(a), and (3)(c) as follows:
17   **6-1-1503. Equipment manufacturer obligations regarding**
18   **services - exemptions.** (1) Except as provided in subsection (2) of this
19   section:
20   (a) For the purpose of providing services for equipment in the
21   state, an original equipment manufacturer shall, with fair and reasonable
22   terms and costs, make available to an independent repair provider or
23   owner of the manufacturer's equipment any documentation, parts,
24   embedded software, EMBEDDED SOFTWARE FOR AGRICULTURAL
25   EQUIPMENT, firmware, or tools that are intended for use with the
26   equipment or any part, including updates to documentation, parts,
27   embedded software, EMBEDDED SOFTWARE FOR AGRICULTURAL
28   EQUIPMENT, firmware, or tools.
29   (b) With respect to equipment that contains an electronic security
30   lock or other security-related function, a manufacturer shall, with fair and
31   reasonable terms and costs, make available to independent repair
32   providers and owners any documentation, parts, embedded software,
33   EMBEDDED SOFTWARE FOR AGRICULTURAL EQUIPMENT, firmware, or tools
34   needed to reset the lock or function when disabled in the course of
35   providing services. The manufacturer may make the documentation, parts,
36   embedded software, EMBEDDED SOFTWARE FOR AGRICULTURAL

1   EQUIPMENT, firmware, or tools available to independent repair providers
2   and owners through appropriate secure release systems.
3   (2) (a) Subsection (1) of this section does not apply to:
4   (II) Conduct that would require the manufacturer to divulge a
5   trade secret; except that a manufacturer shall not refuse to make available
6   to an independent repair provider or owner any documentation, part,
7   embedded software, EMBEDDED SOFTWARE FOR AGRICULTURAL
8   EQUIPMENT, firmware, or tool necessary to provide services on grounds
9   that the documentation, part, embedded software, EMBEDDED SOFTWARE
10   FOR AGRICULTURAL EQUIPMENT, firmware, or tool itself is a trade secret.
11   (b) (II) A manufacturer may withhold information regarding a
12   component of, design of, functionality of, or process of developing a part,
13   embedded software, EMBEDDED SOFTWARE FOR AGRICULTURAL
14   EQUIPMENT, firmware, or a tool if the information is a trade secret and the
15   usability of the part, embedded software, EMBEDDED SOFTWARE FOR
16   AGRICULTURAL EQUIPMENT, firmware, or tool for the purpose of
17   providing services is not diminished.
18   (3) NEITHER an original equipment manufacturer".

19   After "EMBEDDED SOFTWARE," insert "EMBEDDED SOFTWARE FOR
20   AGRICULTURAL EQUIPMENT," on **Page 5**, lines 22 and 26; and **Page 6**, line
21   2.

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