

How does the *Farm Implement Act* benefit farmers?

- Provides a minimum 1-year warranty on new purchases and leases
- Requires that repair parts for a new farm implement purchase or lease be available for 10 years
- Creates a process for resolving performance issues on new farm implements
- Provides an opportunity to apply for compensation if there are losses resulting from the breach of a sale or lease agreement
- Licenses farmer implement dealers and distributors

What constitutes a farm implement under the *Farm Implement Act*?

A farm implement is any implement, equipment, engine, motor, machine, combine, tractor, or attachment intended for use in a farming operation.

Please visit our website at www.farmersadvocate.gov.ab.ca for more information on exempted items.

Can new farm implements be purchased without warranty?

No. Regardless of anything stated in an agreement or sales contract, every new farm implement sold is warranted to be:

- Made of good material
- Properly constructed as to design and workmanship
- Capable of performing under reasonable operating conditions and, with proper use and maintenance, the work for which it is intended in a satisfactory manner
- Designed and constructed to ensure reasonable durability with proper use and maintenance and under reasonable operating conditions



What happens when something beyond the control of the dealer or distributor delays the delivery or repair parts?

In such a case neither the dealer nor distributor would be held responsible.

Is it legal for a distributor or dealer to use anything other than official equipment manufacturer (OEM) parts when repairing an implement under warranty?

No. The dealer and distributor are obligated to use parts that are new and of the standard quality and size prescribed by the manufacturer for that implement.

A farmer may opt to waive this requirement by authorizing the substitution in writing.



What should a purchaser do when a new farm implement fails to perform within the first 10 days (or 50 hours) of use?

Complete a “Notice of Failure to Perform” and submit it to the FAO, the dealer, and the distributor. This form can be found on the FAO website.

Upon receiving formal notification, the dealer and distributor have 7 days to get the farm implement in a satisfactory working condition.

If the farm implement is not working within 7 days, the dealer and distributor must provide the farmer with a satisfactory substitute until the implement is in working condition.



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THE FARM IMPLEMENT ACT



The *Farm Implement Act* was created to help protect the investment farmers make in their machinery by:

- settling warranty complaints
- distributing the Obsolete Parts Directory
- mediating disputes
- failures to perform
- breach of lease/sale agreements