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# 中华人民共和国农业机械化促进法（2018修正）

# Law of the People's Republic of China on the Promotion of Agricultural Mechanization (Revised in 2018)

中华人民共和国农业机械化促进法

Law of the People's Republic of China on Promoting Agricultural Mechanization

（2004年6月25日第十届全国人民代表大会常务委员会第十次会议通过　根据2018年10月26日第十三届全国人民代表大会常务委员会第六次会议《关于修改〈中华人民共和国野生动物保护法〉等十五部法律的决定》修正）

(Adopted at the 10th session of the Standing Committee of the 10th National People's Congress of the People's Republic of China on June 25, 2004, and revised according to the Decision on Revising Fifteen Laws including the Law of the People's Republic of China on the Protection of Wildlife at the 6th session of the Standing Committee of the 13th National People's Congress of the People's Republic of China on October 26, 2018)

第一章 总 则

Chapter 1 General Provisions

第一条   为了鼓励、扶持农民和农业生产经营组织使用先进适用的农业机械，促进农业机械化，建设现代农业，制定本法。

Article 1 This Law is enacted with a view to encouraging and supporting peasants and agricultural production and operation organizations to use advanced and applicable agricultural machines, promoting the mechanization of agriculture and developing modern agriculture.

第二条   本法所称农业机械化，是指运用先进适用的农业机械装备农业，改善农业生产经营条件，不断提高农业的生产技术水平和经济效益、生态效益的过程。

Article 2 For purposes of this Law, mechanization of agriculture means the process of improving the conditions of agricultural production and operation and continually raising the technological level of agricultural production and increasing the economic and ecological benefits of agriculture by equipping agriculture with advanced and applicable agricultural machines.

本法所称农业机械，是指用于农业生产及其产品初加工等相关农事活动的机械、设备。

For purposes of this Law, agricultural machines mean the machines and equipment used for agricultural production, primary processing of agricultural products and other activities relating to farming.

第三条   县级以上人民政府应当把推进农业机械化纳入国民经济和社会发展计划，采取财政支持和实施国家规定的税收优惠政策以及金融扶持等措施，逐步提高对农业机械化的资金投入，充分发挥市场机制的作用，按照因地制宜、经济有效、保障安全、保护环境的原则，促进农业机械化的发展。

Article 3 People's governments at or above the county level shall incorporate the promotion of agricultural mechanization into their plans of national economic and social development, and take such measures as financial support, preferential taxation policy as prescribed by the State and financial aid, in order to gradually increase capital input into the mechanization of agriculture, give full play to the role of market mechanism, and promote the development of agricultural mechanization in compliance with the principles of adapting to local conditions, ensuring economic results, guaranteeing safety and protecting the environment.

第四条   国家引导、支持农民和农业生产经营组织自主选择先进适用的农业机械。任何单位和个人不得强迫农民和农业生产经营组织购买其指定的农业机械产品。

Article 4 The State provides guidance and support to peasants and agricultural production and operation organizations in their efforts to select advanced and applicable agricultural machines on their own. No units or individuals shall compel peasants and agricultural production and operation organizations to purchase the agricultural machines they designate.

第五条   国家采取措施，开展农业机械化科技知识的宣传和教育，培养农业机械化专业人才，推进农业机械化信息服务，提高农业机械化水平。

Article 5 The State takes measures to publicize and disseminate scientific and technological knowledge about agricultural mechanization, to train people in professional skills needed for such mechanization, to promote information services for and to raise the level of such mechanization.

第六条   国务院农业行政主管部门和其他负责农业机械化有关工作的部门，按照各自的职责分工，密切配合，共同做好农业机械化促进工作。

Article 6 The administrative departments for agriculture under the State Council and other departments in charge of the work of agricultural mechanization shall, in accordance with the division of their respective duties, closely cooperate with each other, joining the efforts in successfully promoting agricultural mechanization.

县级以上地方人民政府主管农业机械化工作的部门和其他有关部门，按照各自的职责分工，密切配合，共同做好本行政区域的农业机械化促进工作。

The departments in charge of the work of agricultural mechanization under the local people's governments at or above the county level and other departments concerned shall, in accordance with the division of their respective duties, closely cooperate with each other, joining efforts in successfully promoting agricultural mechanization within their own administrative areas.

第二章 科研开发

Chapter 2 Scientific Research and Development

第七条   省级以上人民政府及其有关部门应当组织有关单位采取技术攻关、试验、示范等措施，促进基础性、关键性、公益性农业机械科学研究和先进适用的农业机械的推广应用。

Article 7 People's governments at or above the provincial level and the relevant departments under them shall make arrangements for the units concerned to take such measures as tackling key technical problems and making experiments and demonstrations for the purpose of promoting basic and key scientific researches in agricultural machinery for the public good and the wide use of advanced and applicable agricultural machines.

第八条   国家支持有关科研机构和院校加强农业机械化科学技术研究，根据不同的农业生产条件和农民需求，研究开发先进适用的农业机械；支持农业机械科研、教学与生产、推广相结合，促进农业机械与农业生产技术的发展要求相适应。

Article 8 The State supports the scientific research institutions, colleges and universities concerned to redouble their efforts in scientific and technological research in agricultural mechanization and, based on the different conditions of agricultural production and different needs of peasants, to make research and develop advanced and applicable agricultural machines; and it supports the efforts made to combine scientific research and teaching of agricultural machinery with their manufacturing and the promotion of their wide use in order that agricultural machinery will be geared to the needs of the technological development of agricultural production.

第九条   国家支持农业机械生产者开发先进适用的农业机械，采用先进技术、先进工艺和先进材料，提高农业机械产品的质量和技术水平，降低生产成本，提供系列化、标准化、多功能和质量优良、节约能源、价格合理的农业机械产品。

Article 9 The State supports the manufactures of agricultural machines in their efforts to develop advanced and applicable agricultural machines and, by adopting advanced technologies, techniques and materials, to enhance the quality and raise the technological level of their products, reduce their costs of production and provide serialized and standardized agricultural machines characterized by multifunction, high quality, energy saving and reasonable price.

第十条   国家支持引进、利用先进的农业机械、关键零配件和技术，鼓励引进外资从事农业机械的研究、开发、生产和经营。

Article 10 The State supports the introduction and use of advanced agricultural machines, their key spare parts and technology, and encourages the efforts to absorb foreign funds for purpose of conducting research in, developing, manufacturing and dealing in agricultural machines.

第三章 质量保障

Chapter 3 Quality Assurance

第十一条   国家加强农业机械化标准体系建设，制定和完善农业机械产品质量、维修质量和作业质量等标准。对农业机械产品涉及人身安全、农产品质量安全和环境保护的技术要求，应当按照有关法律、行政法规的规定制定强制执行的技术规范。

Article 11 The State strengthens the establishment of a standard system for agricultural mechanization, formulates and improves the standards for the quality of the agricultural machines manufactured, the quality of their repairs and maintenance and the quality of their operation. In respect of the technical requirements for the agricultural machines manufactured relating to personal safety, quality and safety of agricultural products and protection of the environment, mandatory technological standards shall be formulated in accordance with the provisions of relevant laws and administrative regulations.

第十二条   市场监督管理部门应当依法组织对农业机械产品质量的监督抽查，加强对农业机械产品市场的监督管理工作。

Article 12 The market supervision and administration departments shall organize the supervision and selective examinations over the quality of the agricultural machinery products according to the law and strengthen the supervision and administration over the markets of the agricultural machinery products.

国务院农业行政主管部门和省级人民政府主管农业机械化工作的部门根据农业机械使用者的投诉情况和农业生产的实际需要，可以组织对在用的特定种类农业机械产品的适用性、安全性、可靠性和售后服务状况进行调查，并公布调查结果。

The administrative departments for agriculture under the State Council and the departments in charge of the work of agricultural mechanization under the people's governments at the provincial level may, based on the complaints by the users of agricultural machines and on the actual need of agricultural production, arrange surveys of the applicability, safety, reliability and after-sale services of a particular type of the manufactured agricultural machines that are in use, and publish the results of the surveys.

第十三条   农业机械生产者、销售者应当对其生产、销售的农业机械产品质量负责，并按照国家有关规定承担零配件供应和培训等售后服务责任。

Article 13 Manufacturers and sellers of agricultural machines shall be responsible for the quality of the machines manufactured or sold by them, and shall, in accordance with relevant State regulations, be responsible for such after-sale services as the supply of spare parts and training.

农业机械生产者应当按照国家标准、行业标准和保障人身安全的要求，在其生产的农业机械产品上设置必要的安全防护装置、警示标志和中文警示说明。

Manufacturers of agricultural machines shall, in accordance with State standards, industrial standards and the requirements of ensuring personal safety, install safety and protection devices on, and attach warning signs and warning in Chinese to, the agricultural machines manufactured by them.

第十四条   农业机械产品不符合质量要求的，农业机械生产者、销售者应当负责修理、更换、退货；给农业机械使用者造成农业生产损失或者其他损失的，应当依法赔偿损失。农业机械使用者有权要求农业机械销售者先予赔偿。农业机械销售者赔偿后，属于农业机械生产者的责任的，农业机械销售者有权向农业机械生产者追偿。

Article 14 Where agricultural machines manufactured do not meet the quality requirements, the manufacturers or sellers of the machines shall be responsible for their repairs, replacement or return; and where losses in agricultural production or other losses are caused to the users of the agricultural machines, they shall compensate the users for the losses according to law. The users of agricultural machinery have the right to demand the sellers of agricultural machinery to pay compensation first. After the compensation is made by the sellers of the machines, if the responsibility rests with the manufacturers of the machines, the said sellers shall have the right to demand recovery from the said manufacturers.

因农业机械存在缺陷造成人身伤害、财产损失的，农业机械生产者、销售者应当依法赔偿损失。

Where personal injuries or property losses are caused due to defects in agricultural machines, the manufacturers and sellers of machineries shall make compensations according to law.

第十五条   列入依法必须经过认证的产品目录的农业机械产品，未经认证并标注认证标志，禁止出厂、销售和进口。

Article 15 Manufactured agricultural machines included in the catalogue of the products the certification of which is required by law but which are not certified or attached with the signs of certification are prohibited from leaving the factory, being sold or imported.

禁止生产、销售不符合国家技术规范强制性要求的农业机械产品。

It is prohibited to produce or sell the agricultural machines that do not meet the compulsory requirements of the technical norms of the State.

禁止利用残次零配件和报废机具的部件拼装农业机械产品。

It is prohibited to assemble agricultural machines with defective or substandard spare parts or with spare parts of scrapped machines and tools.

第四章 推广使用

Chapter 4 Promotion

第十六条   国家支持向农民和农业生产经营组织推广先进适用的农业机械产品。推广农业机械产品，应当适应当地农业发展的需要，并依照农业技术推广法的规定，在推广地区经过试验证明具有先进性和适用性。

Article 16 The State supports efforts to promote the wide use of advanced and applicable agricultural machines among peasants and agricultural production and operation organizations. The agricultural machines the wide use of which is promoted shall meet the need of local agricultural development and, according to the provisions of the Law on the Popularization of Agricultural Technology, the machines shall have to be proved to be advanced and applicable through experiment in the areas where their wide use is promoted.

农业机械生产者或者销售者，可以委托农业机械试验鉴定机构，对其定型生产或者销售的农业机械产品进行适用性、安全性和可靠性检测，作出技术评价。农业机械试验鉴定机构应当公布具有适用性、安全性和可靠性的农业机械产品的检测结果，为农民和农业生产经营组织选购先进适用的农业机械提供信息。

Manufacturers or sellers of agricultural machines may entrust institutions for experiment and verification of agricultural machines to test the applicability, safety and reliability of the agricultural machines of a finalized design manufactured or sold by them, and to make a technical appraisal. The said institutions shall publish the testing results of the agricultural machines in respect of their applicability, safety and reliability, providing information to peasants and agricultural production and operation organizations in their purchase of advanced and applicable agricultural machines.

第十七条   县级以上人民政府可以根据实际情况，在不同的农业区域建立农业机械化示范基地，并鼓励农业机械生产者、经营者等建立农业机械示范点，引导农民和农业生产经营组织使用先进适用的农业机械。

Article 17 People's governments at or above the county level may, based on actual conditions, set up demonstration bases for agricultural mechanization in different agricultural areas, and encourage manufacturers of, dealers in agricultural machines, etc. to set up demonstration points for agricultural machines and guide peasants and agricultural production and operation organizations in their use of advanced and applicable agricultural machines.

第十八条   国务院农业行政主管部门会同国务院财政部门、经济综合宏观调控部门，根据促进农业结构调整、保护自然资源与生态环境、推广农业新技术与加快农机具更新的原则，确定、公布国家支持推广的先进适用的农业机械产品目录，并定期调整。省级人民政府主管农业机械化工作的部门会同同级财政部门、经济综合宏观调控部门根据上述原则，确定、公布省级人民政府支持推广的先进适用的农业机械产品目录，并定期调整。

Article 18 The administrative department for agriculture under the State Council together with the department of finance and the department for comprehensive macro-economic control under the State Council shall, on the principles of promoting agricultural restructuring, protecting the natural resources and ecological environment, promoting the wide use of new agricultural technologies and speeding up the updating of agricultural machines and tools, determine and publish the catalogue of the advanced and applicable agricultural machines the wide use of which is supported by that the State, and make adjustment to the catalogue regularly. The departments in charge of the work of agricultural mechanization under the people's governments at the provincial level together with the department of finance and the department for comprehensive macro-economic control at the corresponding level shall, on the principles mentioned above, determine and publish the catalogue of the advanced, applicable agricultural machines the wide use of which is supported by the people's governments at the provincial level, and make adjustment to the catalogue regularly.

列入前款目录的产品，应当由农业机械生产者自愿提出申请，并通过农业机械试验鉴定机构进行的先进性、适用性、安全性和可靠性鉴定。

To have their products included in the catalogue mentioned in the preceding paragraph, the manufacturers of agricultural machines shall, on a voluntary basis, submit an application and their products shall be subject to verification, by institutions for experiment and verification of agricultural machines in respect of their advancement, applicability, safety and reliability.

第十九条   国家鼓励和支持农民合作使用农业机械，提高农业机械利用率和作业效率，降低作业成本。

Article 19 The State encourages and supports peasants to cooperate in the use of agricultural machines, in order to raise the utilization ratio and operational efficiency of agricultural machines and to reduce operational cost.

国家支持和保护农民在坚持家庭承包经营的基础上，自愿组织区域化、标准化种植，提高农业机械的作业水平。任何单位和个人不得以区域化、标准化种植为借口，侵犯农民的土地承包经营权。

The State supports and protects peasants, while adhering to household contractual management, to engage in regional and standardized planting on a voluntary basis in order to raise the operational level of agricultural machines. No units or individuals shall, on the pretext of regional or standardized planting, encroach upon the peasants' right of contractual management of land.

第二十条   国务院农业行政主管部门和县级以上地方人民政府主管农业机械化工作的部门，应当按照安全生产、预防为主的方针，加强对农业机械安全使用的宣传、教育和管理。

Article 20 The administrative department for agriculture under the State Council and the departments in charge of the work of agricultural mechanization under the local people's governments at or above the county level shall, upholding the principles of safe production and putting prevention first, improving the publicity of and education in the safe use of agricultural machines and control of such machines.

农业机械使用者作业时，应当按照安全操作规程操作农业机械，在有危险的部位和作业现场设置防护装置或者警示标志。

When users of agricultural machines operate the machines, they shall do so in accordance with the safe operation regulations, and shall put up the protective devices or warning signs at the dangerous parts of the machines and at the place of operation.

第五章 社会化服务

Chapter 5 Social Service

第二十一条   农民、农业机械作业组织可以按照双方自愿、平等协商的原则，为本地或者外地的农民和农业生产经营组织提供各项有偿农业机械作业服务。有偿农业机械作业应当符合国家或者地方规定的农业机械作业质量标准。

Article 21 Peasants and agricultural machines operation organizations may, on the principles of mutual voluntariness and consultation on an equal basis, provide local or non-local peasants and agricultural production and operation organizations with various kinds of compensated services of agricultural machinery operation. Compensated agricultural machinery operation shall be in conformity with the State and local standards for the quality of such operation.

国家鼓励跨行政区域开展农业机械作业服务。各级人民政府及其有关部门应当支持农业机械跨行政区域作业，维护作业秩序，提供便利和服务，并依法实施安全监督管理。

The State encourages the provision of agricultural machinery operation services across different administrative regions. People's governments at various levels and the relevant departments under them shall support such inter-regional agricultural machinery operation, maintain the order of such operation, provide convenience and services, and exercise supervision over safety according to law.

第二十二条   各级人民政府应当采取措施，鼓励和扶持发展多种形式的农业机械服务组织，推进农业机械化信息网络建设，完善农业机械化服务体系。农业机械服务组织应当根据农民、农业生产经营组织的需求，提供农业机械示范推广、实用技术培训、维修、信息、中介等社会化服务。

Article 22 People's governments at various levels shall take measures to encourage and assist the development of multiform agricultural machinery service organizations, to facilitate the establishment of an information network for agricultural mechanization and improve the service system of agricultural mechanization. Agricultural machinery service organizations shall, based on the needs of peasants and agricultural production and operation organizations, provide such commercialized services as demonstration and promotion of the use of agricultural machines, training in practicable technologies, maintenance and repairs, information, and intermediary service.

第二十三条   国家设立的基层农业机械技术推广机构应当以试验示范基地为依托，为农民和农业生产经营组织无偿提供公益性农业机械技术的推广、培训等服务。

Article 23 Institutions for promotion of agricultural machinery technologies at the grassroots level established by the State shall rely on the experiment and demonstration bases in providing, without compensation, peasants and agricultural production and operation organizations with such public welfare services as promotion of and training in agricultural machinery technologies.

第二十四条   从事农业机械维修，应当具备与维修业务相适应的仪器、设备和具有农业机械维修职业技能的技术人员，保证维修质量。维修质量不合格的，维修者应当免费重新修理；造成人身伤害或者财产损失的，维修者应当依法承担赔偿责任。

Article 24 Any unit or individual engaged in agricultural machinery maintenance and repairs shall have the instruments and equipment needed for maintenance and repairs as well as the technicians with the professional skills for agricultural machinery maintenance and repairs, in order to guarantee quality. If the quality of repair is not up to standards, the repairer shall do the repairs again free of charge; and if personal injuries or property losses are caused, the repairer shall bear the responsibility for compensation according to law.

第二十五条   农业机械生产者、经营者、维修者可以依照法律、行政法规的规定，自愿成立行业协会，实行行业自律，为会员提供服务，维护会员的合法权益。

Article 25 Manufacturers, dealers in and repairers of agricultural machines may, in accordance with the provisions of laws and administrative regulations and on a voluntary basis, establish industrial associations, practice self-discipline within the industry, provide services to the members of their associations and preserve lawful rights and interests of their members.

第六章 扶持措施

Chapter 6 Supporting Measures

第二十六条   国家采取措施，鼓励和支持农业机械生产者增加新产品、新技术、新工艺的研究开发投入，并对农业机械的科研开发和制造实施税收优惠政策。

Article 26 The State takes measures to encourage and support the manufacturers of agricultural machines to increase their input in research and development of new products, new technologies and new techniques, and executes a preferential tax policy for scientific research in, and development and manufacture of agricultural machines.

中央和地方财政预算安排的科技开发资金应当对农业机械工业的技术创新给予支持。

The funds for the development of science and technology arranged in the budgets of the central and local governments shall support the technological innovation of the agricultural machinery industry.

第二十七条   中央财政、省级财政应当分别安排专项资金，对农民和农业生产经营组织购买国家支持推广的先进适用的农业机械给予补贴。补贴资金的使用应当遵循公开、公正、及时、有效的原则，可以向农民和农业生产经营组织发放，也可以采用贴息方式支持金融机构向农民和农业生产经营组织购买先进适用的农业机械提供贷款。具体办法由国务院规定。

Article 27 The central and the provincial governments shall respectively allocate special funds to subsidize the peasants and agricultural production and operation organizations for their purchase of the advanced and applicable agricultural machines supported and promoted by the State. The funds for subsidies shall be used in accordance with the principles of openness, impartiality, timeliness and effectiveness. Such funds may be distributed to the peasants and agricultural production and operation organizations, and may also be used as a discount for the loans provided by banking institutions in support of the peasants and agricultural production and operation organizations that purchase advanced and applicable agricultural machines. The specific measures shall be formulated by the State Council.

第二十八条   从事农业机械生产作业服务的收入，按照国家规定给予税收优惠。

Article 28 Incomes from providing services in production with agricultural machines shall enjoy preferential taxation policy in accordance with State regulations.

国家根据农业和农村经济发展的需要，对农业机械的农业生产作业用燃油安排财政补贴。燃油补贴应当向直接从事农业机械作业的农民和农业生产经营组织发放。具体办法由国务院规定。

The State, based on the needs of agricultural and rural economic development, appropriates financial subsidies for the fuel oil used in agricultural production with agricultural machines. Such subsidies shall be paid directly to the peasants and agricultural production and operation organizations that are engaged in operations with agricultural machines. The specific measures shall be formulated by the State Council.

第二十九条   地方各级人民政府应当采取措施加强农村机耕道路等农业机械化基础设施的建设和维护，为农业机械化创造条件。

Article 29 Local people's governments at various levels shall take measures to make greater efforts in the construction and maintenance of the infrastructure in respect of agricultural mechanization, such as rural roads for farm machines, in order to create the conditions for agricultural mechanization.

县级以上地方人民政府主管农业机械化工作的部门应当建立农业机械化信息搜集、整理、发布制度，为农民和农业生产经营组织免费提供信息服务。

Departments in charge of the work of agricultural mechanization under the local people's governments at or above the county level shall establish the system of information gathering, sorting and issuing for agricultural mechanization, in order to provide peasants and agricultural production and operation organizations with information services free of charge.

第七章 法律责任

Chapter 7 Legal Liabilities

第三十条   违反本法第十五条规定的，依照产品质量法的有关规定予以处罚；构成犯罪的，依法追究刑事责任。

Article 30 Anyone who violates the provisions of Article 15 of this Law shall be punished in accordance with the relevant provisions of the Law on Product Quality; if a crime is constituted, criminal responsibility shall be investigated according to law.

第三十一条   农业机械驾驶、操作人员违反国家规定的安全操作规程，违章作业的，责令改正，依照有关法律、行政法规的规定予以处罚；构成犯罪的，依法追究刑事责任。

Article 31 Where the driver or operator of agricultural machinery violates the State procedures for safe operation and relevant regulations in his work, he shall be ordered to set it right and be penalized in accordance with the provisions of relevant laws and administrative regulations; and if a crime is constituted, criminal responsibility shall be investigated according to law.

第三十二条   农业机械试验鉴定机构在鉴定工作中不按照规定为农业机械生产者、销售者进行鉴定，或者伪造鉴定结果、出具虚假证明，给农业机械使用者造成损失的，依法承担赔偿责任。

Article 32 When an institution for experiment and verification of agricultural machines fails to make verification for the manufacturers or sellers of agricultural machines in accordance with relevant regulations, forges the results of verification, or produces false certificates, thus causing losses to the users of agricultural machines, it shall bear the responsibility for compensation according to law.

第三十三条   国务院农业行政主管部门和县级以上地方人民政府主管农业机械化工作的部门违反本法规定，强制或者变相强制农业机械生产者、销售者对其生产、销售的农业机械产品进行鉴定的，由上级主管机关或者监察机关责令限期改正，并对直接负责的主管人员和其他直接责任人员给予行政处分。

Article 33 Where the administrative department for agriculture under the State Council or the department in charge of the work of agricultural mechanization under a local people's government at or above the county level, in violation of the provisions of this Law, compels, or does so in disguised form, the manufacturers or sellers of agricultural machines to have the agricultural machines they manufacture or sell verified, the competent department at the higher level or the supervisory organ shall instruct it to rectify within a time limit, and give administrative sanctions to the persons who are directly in charge and the other persons who are directly responsible.

第三十四条   违反本法第二十七条、第二十八条规定，截留、挪用有关补贴资金的，由上级主管机关责令限期归还被截留、挪用的资金，没收非法所得，并由上级主管机关、监察机关或者所在单位对直接负责的主管人员和其他直接责任人员给予行政处分；构成犯罪的，依法追究刑事责任。

Article 34 Any unit or individuals that, in violation of the provisions in Articles 27 and 28 of this Law, withholds or misappropriates the funds for subsidies, shall be instructed by the competent organ at the higher level to return the funds withheld or misappropriated within a time limit, its/his unlawful gains shall be confiscated; and the competent organ at the higher level, the supervisory organ or the entity it/he belongs to shall give administrative sanctions to the persons who are directly in charge and the other persons who are directly responsible. If a crime is constituted, criminal responsibility shall be investigated according to law.

第八章 附 则

Chapter 8 Supplementary Provisions

第三十五条   本法自２００４年１１月１日起施行。

Article 35 This Law shall go into effect as of November 1, 2004.