

1 SPECIAL SESSION

2 H.9

3 Introduced by Representatives Botzow of Pownal, Marcotte of Coventry, and
4 Myers of Essex

5 Referred to Committee on

6 Date:

7 Subject: Commerce and trade; consumer protection

8 Statement of purpose of bill as introduced: This bill proposes to create a task
9 force to review issues concerning the repair of consumer electronics.

10 An act relating to the fair repair of consumer electronic devices

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. FINDINGS

13 The General Assembly finds:

14 (1) The repair of modern electronic products, even for such minor
15 repairs as replacing a battery or screen, often becomes difficult or impossible
16 due to manufacturers' limitation of access to information or parts to effect
17 those repairs.

18 (2) Manufacturers may limit access to only those customers who are
19 under warranty; may refuse access for owners of older models; and may refuse

1 to stock or sell parts at fair and reasonable prices. Consequently, consumers
2 are often left with few options other than to buy new.

3 (3) Modern repairs involve electronics. Repairing those electronics
4 requires information, parts, firmware access, and tooling specifications from
5 the product designers.

6 (4) The knowledge and tools to repair and refurbish consumer electronic
7 products should be distributed as widely and freely as the products themselves.
8 In contrast to centralized manufacturing, reuse must be broadly distributed to
9 achieve economies of scale.

10 (5) Many manufacturers have made commitments to sustainability,
11 repair, and reuse, and the innovation economy of Vermont and the United
12 States has had many positive economic and environmental impacts.
13 Legislation that further promotes extending the lifespan of consumer electronic
14 products can create jobs and benefit the environment.

15 (6) As demonstrated by Massachusetts's experience with a right to
16 repair initiative concerning automobiles in 2014, which resulted in a
17 compromise between manufacturers and independent repair providers to adopt
18 a voluntary nationwide approach for providing diagnostic codes and repair data
19 available in a common format by the 2018 model year, legislative action to
20 secure a right to repair can achieve positive benefits for manufacturers,
21 independent businesses, and consumers.

1 Sec. 2. RIGHT TO REPAIR TASK FORCE; REPORT

2 (a) Creation. There is created the Right to Repair Task Force.

3 (b) Membership. The Task Force shall be composed of the following five
4 members:

5 (1) one current member of the House of Representatives, appointed by
6 the Speaker of the House;

7 (2) one current member of the Senate, appointed by the Committee on
8 Committees;

9 (3) the Attorney General or designee;

10 (4) the Secretary of Commerce and Community Development or
11 designee; and

12 (5) the Secretary of Digital Services or designee.

13 (c) Stakeholder engagement. The Task Force shall solicit testimony and
14 participation in its work from representatives of relevant stakeholders,
15 including authorized and independent repair providers, and business and
16 consumer groups with an interest in consumer electronic products.

17 (d) Powers and duties. The Task Force shall review and consider the
18 following issues relating to potential legislation designed to secure the right to
19 repair consumer electronic products, including personal electronic devices such
20 as cell phones, tablets, and computers:

21 (1) the scope of products to include;

1 (2) economic costs and benefits, including economic development and
2 workforce opportunities;

3 (3) effects on the cost and availability to consumers of new and used
4 consumer electronic products in the marketplace, including diminished
5 availability of refurbished products for secondary users;

6 (4) environmental and economic costs of electronic waste;

7 (5) legal issues, including intellectual property and trade secrets,
8 potential for alignment or conflict with federal law, and litigation risks;

9 (6) privacy and security features in electronic products; and

10 (7) any other issues the Task Force considers relevant and necessary to
11 accomplish its work.

12 (e) Scope. Considering the time available for its review, the Task Force
13 shall focus its work on consumer electronic products. However, the Task
14 Force may consider issues concerning the right to repair products beyond
15 consumer electronic products if in the scope of its work it determines such
16 consideration to be necessary and appropriate.

17 (f) Assistance. The Task Force shall have the administrative, legal, and
18 fiscal assistance of the Office of Legislative Council and the Joint Fiscal
19 Office. Relevant agencies and departments within State government shall
20 provide their technical and other expertise upon request of the Task Force.

1 (g) Report. On or before January 15, 2019, the Task Force shall submit a
2 written report to the Senate Committee on Economic Development, Housing
3 and General Affairs and the House Committee on Commerce and Economic
4 Development with its findings and any recommendations for legislative action,
5 including specific findings and recommendations concerning personal
6 electronic devices such as cell phones, tablets, and computers.

7 (h) Meetings.

8 (1) The Office of Legislative Council shall call the first meeting of the
9 Task Force to occur on or before August 15, 2018.

10 (2) The legislative members of the Task Force shall serve as co-chairs.

11 (3) A majority of the membership shall constitute a quorum.

12 (4) The Task Force shall cease to exist on January 15, 2019.

13 (i) Compensation and reimbursement. For attendance at meetings during
14 adjournment of the General Assembly, a legislative member of the Task Force
15 serving in his or her capacity as a legislator shall be entitled to per diem
16 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for
17 not more than five meetings. These payments shall be made from monies
18 appropriated to the General Assembly.

19 Sec. 3. EFFECTIVE DATE

20 This act shall take effect on July 1, 2018.