

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was  
3 referred Senate Bill No. 180 entitled “An act relating to the Vermont Fair  
4 Repair Act” respectfully reports that it has considered the same and  
5 recommends that the House propose to the Senate that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 Sec. 1. FINDINGS

9 The General Assembly finds:

10 (1) The repair of modern electronic products, even for such minor  
11 repairs as replacing a battery or screen, often becomes difficult or impossible  
12 due to manufacturers’ limitation of access to information or parts to effect  
13 those repairs.

14 (2) Manufacturers may limit access to only those customers who are  
15 under warranty; may refuse access for owners of older models; and may refuse  
16 to stock or sell parts at fair and reasonable prices. Consequently, consumers  
17 are often left with few options other than to buy new.

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

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

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

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

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

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

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

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

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

5           (3) the Attorney General or designee;

6           (4) the Secretary of Commerce and Community Development or  
7           designee; and

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

9           (c) Stakeholder engagement. The Task Force shall solicit testimony and  
10          participation in its work from representatives of relevant stakeholders,  
11          including authorized and independent repair providers, and business and  
12          consumer, environmental, agricultural, medical device, and other trade groups  
13          with an interest in consumer or business electronic products repairs.

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

18               (1) the scope of products to include;

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

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

4           (4) ~~consequences or impacts for~~ intellectual property and trade secrets;

5           (5) environmental and economic costs of a “throw away” economy  
6           electronic waste;

7           (6) legal issues, including potential for alignment or conflict with federal  
8           law, and litigation risks;

9           (7) ~~issues relating to~~ privacy and security features in electronic  
10          products; and

11          (8) any other issues the Task Force considers relevant and necessary to  
12          accomplish its work, ~~including regulation of business consumer products or~~  
13          other products the Task Force finds appropriate.

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

18          (f) Report. On or before ~~December 15, 2018~~ January 15, 2019, the Task  
19          Force shall submit a written report to the Senate Committee on Economic  
20          Development, Housing and General Affairs and the House Committee on  
21          Commerce and Economic Development with its findings and any

1 recommendations for legislative action, including specific findings and  
2 recommendations concerning personal electronic devices such as cell phones,  
3 tablets, and computers.

4 (g) Meetings.

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

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

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

9 (4) The Task Force shall cease to exist on December 15, 2018 January  
10 15, 2019.

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

17 Sec. 3. EFFECTIVE DATE

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

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4 (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE