

1 TO THE HONORABLE SENATE:

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

7 Sec. 1. FINDINGS

8 The General Assembly finds:

9 (1) Manufacturers can make it difficult or impossible—whether  
10 inadvertently or intentionally—for consumers or independent repair  
11 technicians to fix their consumer electronic products, even for such minor  
12 repairs as replacing a battery or screen.

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

18 (3) Modern repairs involve electronics: any product that can have  
19 embedded electronics will eventually have embedded electronics. Repairing  
20 those electronics requires information, parts, firmware access, and tooling  
21 specifications from 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 consumer,  
12 environmental, agricultural, medical device, and other trade groups having an  
13 interest in consumer or business electronic product 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           (6) legal issues, including potential for alignment or conflict with federal  
7           law, and litigation risks;
- 8           (7) issues relating to privacy and security features in electronic products;  
9           and
- 10           (8) any other issues the Task Force considers relevant and necessary to  
11           accomplish its work, including regulation of business consumer products or  
12           other products the Task Force finds appropriate.
- 13           (e) Assistance. The Task Force shall have the administrative, legal, and  
14           fiscal assistance of the Office of Legislative Council and the Joint Fiscal  
15           Office. Relevant agencies and departments within State government shall  
16           provide their technical and other expertise upon request of the Task Force.
- 17           (f) Report. On or before December 15, 2018, the Task Force shall submit a  
18           written report to the Senate Committee on Economic Development, Housing  
19           and General Affairs and the House Committee on Commerce and Economic  
20           Development with its findings and any recommendations for legislative action.

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

3 (g) Meetings.

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

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

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

8 (4) The Task Force shall cease to exist on December 15, 2018.

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

15 Sec. 3. EFFECTIVE DATE

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

17  
18 (Committee vote: \_\_\_\_\_)

19 \_\_\_\_\_

20 Senator \_\_\_\_\_

21 FOR THE COMMITTEE