

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

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 information or parts to correct
19 defects to only those customers who are under warranty; may refuse access to
20 information or parts for owners of older models; and may refuse to stock or

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

3 (3) Modern repairs involve electronics. ~~any product that can have~~
4 ~~embedded electronics will eventually have embedded electronics.~~ Repairing
5 those electronics requires information, parts, firmware access, and tooling
6 specifications from the product designers.

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

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

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

1 secure a right to repair can achieve positive benefits for manufacturers,
2 independent businesses, and consumers.

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

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

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

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

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

11 (3) the Attorney General or designee;

12 (4) the Secretary of Commerce and Community Development or
13 designee; and

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

15 (c) Stakeholder engagement. The Task Force shall solicit testimony and
16 participation in its work from representatives of relevant stakeholders,
17 including authorized and independent repair providers, and consumer,
18 environmental, agricultural, medical device, and other trade groups having an
19 interest in consumer or business electronic product repairs.

20 (d) Powers and duties. The Task Force shall review and consider the
21 following issues relating to potential legislation designed to secure the right to

1 repair consumer electronic products, including personal electronic devices such
2 as cell phones, tablets, and computers:

3 (1) the scope of products to include;

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

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

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

10 (5) environmental and economic costs of a “throw-away” economy;

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

13 (7) issues relating to privacy and security features in electronic
14 products; and

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

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

1 (f) Report. On or before December 15, 2018, 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 (g) Meetings.

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

13 (h) 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.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE