

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 groups with an interest in consumer electronic products.

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

17 (1) the scope of products to include;

18 (2) economic costs and benefits, including economic development and
19 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) environmental and economic costs of electronic waste;

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

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

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

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

14 (f) Report. On or before January 15, 2019, the Task Force shall submit a
15 written report to the Senate Committee on Economic Development, Housing
16 and General Affairs and the House Committee on Commerce and Economic
17 Development with its findings and any recommendations for legislative action,
18 including specific findings and recommendations concerning personal
19 electronic devices such as cell phones, tablets, and computers.

20 (g) Meetings.

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

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

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

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

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

12 Sec. 3. EFFECTIVE DATE

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

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17 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE