



April 12, 2018

Chairman William Botzow, II and Members of the House Commerce and Economic Development Committee

Re: S.180 – Right to Repair (Pearson)

We wish to bring to your attention several recent developments which affirm the principles of Right to Repair and point towards an accelerating need for passage of S.180.

April 10 – the Federal Trade Commission (FTC) announced they are pursuing 6 major manufacturers for violating the Magnuson-Moss Warranty Act of 1975 (MMWA). They did not identify the specific OEMs, but indicated they are in the Automotive, Cell Phone, and Game Station Industries.

The FTC announcement is available directly at

<https://www.ftc.gov/news-events/press-releases/2018/04/ftc-staff-warns-companies-it-illegal-condition-warranty-coverage>

Under MMWA – it is illegal for OEMS to tie the warranty to the use of either OEM original parts, or OEM authorized technicians, or both. This is so common that most consumers are shocked to learn their warranties are not voided by replacing glass, batteries or other components although this law is the same that protects car owners when doing their own oil changes or replacing a shattered windshield.

OEMs in opposition to SB180 have persisted in telling legislators that R2R will void consumer warranties – despite their knowledge of this law.

April 8 – Apple IOS 11.3 Update is confirmed to be disabling the touchscreens of phones that have had previous 3rd party repairs. This impacts millions of consumers, who have been pestered into the update and then lose the use of their property. Apple has done this before with another pushed update that “bricked” phones that had glass fixed by independents called “Error 53”. It is part of their general pattern of deception that will be removed with the passage of S.180.

A Forbes article of April 10 describes the whole set of problems related to this update.

<https://www.forbes.com/sites/gordonkelly/2018/04/10/apple-ios-11-3-release-iphone-upgrade-repair-display-ipad-problem/#184008b1498d>

Apple has persisted in claiming that such updates are for the benefit of the consumer particularly under the excuse of “Security” when no consumer security is at risk. Since Apple refuses to sell their own parts, tools, and repair documentation – they are active contributors to their own problems.

Please feel free to contact me at any time if you have any questions or if I can be of service.

Gay Gordon-Byrne, Executive Director, The Repair Association

ggbyrne@repair.org 201-747-4022