

S.180

An act relating to the Vermont Fair Repair Act

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

The General Assembly finds:

(1) Manufacturers can make it difficult or impossible—whether inadvertently or intentionally—for consumers or independent repair technicians to fix their consumer electronic products, even for such minor repairs as replacing a battery or screen, citing concerns of data security, safety, compliance with federal law, and/or protecting the underlying intellectual property.

(2) Manufacturers ~~may~~ can limit access to information or parts to correct defects to only those customers who are under warranty, or may ~~refuse~~ limit access to information or parts for owners of older models ~~except through authorized repair facilities~~. Consequently, consumers ~~are often~~ may be left with few ~~repair options other than to buy new~~ beyond those authorized by the manufacturer.

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

(4) The knowledge and tools to repair and refurbish consumer electronic products should be distributed as widely ~~and freely as the products themselves~~ as possible but in a manner consistent with federal law that prohibits the distribution of

technologies for circumventing digital locks on devices. In contrast to centralized manufacturing, reuse must be broadly distributed to achieve economies of scale.

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

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

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

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

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

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

(2) one current member of the Senate, appointed by the Committee on

(3) the Attorney General or designee;

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

(5) the Secretary of Digital Services or designee.

(c) Stakeholder engagement. The Task Force shall solicit testimony and participation in its work from representatives of relevant stakeholders, including authorized and independent repair providers, and consumer, environmental, agricultural, medical device, [consumer electronics](#), and other trade groups having an interest in consumer or business electronic product repairs. [As part of that engagement process, the Task Force will share a draft report with stakeholders and provide a reasonable amount of time of no less than one month for public review and comment. Following that review opportunity, the Task Force will consider any substantive comments before finalizing the report.](#)

(d) Powers and duties. The Task Force shall review and consider the following issues relating to potential legislation ~~designed to secure~~ regarding the repair of ~~consumer~~ electronic

products, ~~including personal electronic devices such as cell phones, tablets, and computers:~~

(1) the scope of products to include;

- (2) economic costs and benefits, including economic development and workforce opportunities;
- (3) effects on the cost and availability to consumers of new and used ~~consumer~~ electronic products in the marketplace, including diminished availability of refurbished products for secondary users;
- (4) consequences or impacts that such repairs may have on underlying ~~copyright, for intellectual property and~~ trade secrets, or other intellectual property rights of the manufacturer or third parties;
- (5) environmental and economic costs-, which should also take in to account applicable recycling and reuse programs of a “throw-away” economy;
- (6) legal issues and litigation risks, including potential for alignment or conflict with relevant federal law, such as the U.S. Copyright Act, the Digital Millennium Copyright Act, and other laws governing intellectual property, privacy, and security; ~~federal law, and litigation risks;~~
- ~~(6)~~(7) issues relating to privacy and security features in electronic products; and
- (8) safety issues, including those impacting consumers, product operators or repair personnel;
- ~~(7)~~(9) any other issues the Task Force considers relevant and necessary to accomplish its work, including, if warranted, legislative proposals on repair of ~~regulation of~~ business or consumer technology products.

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

(f) Report. On or before December 15, 2018, the Task Force shall submit a written report to the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development with its findings and any recommendations for legislative action, including specific findings and recommendations concerning personal electronic devices such as cell phones, tablets, and computers products. The report shall include findings of the majority and minority of the Task Force if there is not consensus.

(g) Meetings.

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

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

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

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

~~(4)~~(5) All meetings of the Task Force shall be open to the Public.

(h) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force serving in his or her capacity as a legislator shall be entitled to per diem

compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than five meetings. These payments shall be made from monies appropriated to the General Assembly.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2018.