



NATIONAL CONFERENCE OF STATE LEGISLATURES

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2022 Consumer Rights for Repairs Legislation

February 7, 2023

Enactments noted in italics

California

SB 605

Returned to secretary of senate pursuant to Joint Rule 56 2/1/22

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB605

Enacts the Medical Device Right to Repair Act and requires an original manufacturer of powered medical equipment used in the treatment, monitoring, or diagnosis of a patient to provide documentation, parts, and tools used to inspect, diagnose, maintain, and repair powered medical equipment to an authorized repair provider on fair and reasonable terms, as defined. The bill exempts from these requirements any trade secret information. The bill subjects an original equipment manufacturer who knowingly violates these provisions to specified civil penalties, and authorizes the attorney general or a district attorney, county counsel, or city attorney to bring a civil action for this purpose.

SB 983

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB983

Existing law, the Song-Beverly Consumer Warranty Act, provides a comprehensive set of procedures for the enforcement of express and implied warranties on consumer goods, as defined. Under existing law, every manufacturer making an express warranty with respect to an electronic or appliance product, including televisions, radios, audio or video recording equipment, major home appliances, antennas, and rotators, with a wholesale price to the retailer of not less than \$50 nor more than \$99.99 is required to make available to service and repair facilities sufficient service literature and functional parts to effect the repair of the product for at least three years after the date a product model or type was manufactured, regardless of whether the three-year period exceeds the warranty period for the product. Existing law also requires every manufacturer making an express warranty with respect to an electronic or appliance product, as described above, with a wholesale price to the retailer of \$100 or more, to make available to service and repair facilities sufficient service literature and functional parts to effect the repair of the product for at least seven years after the date a product model or type was manufactured, regardless of whether the seven-year period exceeds the warranty period for the product. This bill instead requires the manufacturer of an electronic or appliance product, in the above-described circumstances and timeframes, to make available, on fair and reasonable terms, sufficient service literature, at no charge, and prescribed functional parts and tools, including documentation, tools, software and parts needed to disable the lock or function during the course of the diagnosis, maintenance, or

repair of a product, to owners of the product, service and repair facilities, and service dealers. The bill also requires a service and repair facility or service dealer that is not an authorized facility or dealer of a manufacturer to provide a written notice containing specified information related to warranties to any customer seeking repair of an electronic or appliance product before the repair facility or service dealer repairs the product. This bill defines terms for its purposes, and provides that the above-specified provisions do not require a manufacturer to divulge a trade secret, except as may be necessary to provide service literature, documentation, tools, and parts on fair and reasonable terms, and shall not be construed to require the distribution of a product's source code. Existing law authorizes a retail seller of consumer goods or an independent serviceman of consumer goods injured by the willful or repeated violation of the Song-Beverly Consumer Warranty Act to bring a legal action for the recovery of damages. Existing law provides that a court may award three times the amount at which actual damages are assessed plus reasonable attorneys fees. This bill additionally authorizes a service dealer, as defined, to bring a legal action pursuant to the above provisions.

Colorado

HB 1031

Signed by governor 6/2/22, Chapter 327

http://leg.colorado.gov/sites/default/files/2022a_1031_signed.pdf

Usually, an owner of a powered wheelchair must seek diagnostic, maintenance, or repair services of the wheelchair from the manufacturer. The bill requires a manufacturer to provide parts, embedded software, firmware, tools, or documentation, such as diagnostic, maintenance, or repair manuals, diagrams, or similar information, to independent repair providers and owners of the manufacturer's powered wheelchairs to allow an independent repair provider or owner to conduct diagnostic, maintenance, or repair services on the owner's powered wheelchair. A manufacturer's failure to comply with the requirement is a deceptive trade practice. In complying with the requirement to provide these resources, a manufacturer need not divulge any trade secrets to independent repair providers and owners. Any new contractual provision or other arrangement that a manufacturer enters into that would remove or limit the manufacturer's obligation to provide these resources to independent repair providers and owners is void and unenforceable.

Connecticut

SB 121

Failed Joint Favorable deadline 3/22/22

<https://www.cga.ct.gov/2022/TOB/S/PDF/2022SB-00121-R00-SB.PDF>

Requires original equipment manufacturers of digital electronic equipment to provide the owners of such equipment and independent repair providers with an opportunity to diagnose, maintain or repair such equipment on terms that are similar to the terms that original equipment manufacturers provide to authorized repair providers.

Florida

HB 1535

Died in committee 3/14/22

<https://www.flsenate.gov/Session/Bill/2022/1535/BillText/Filed/PDF>

SB 1320

Died in committee 3/14/22

<https://www.flsenate.gov/Session/Bill/2022/1320/BillText/Filed/PDF>

Relates to the fair repair of agricultural equipment; provides a short title; creates §686.35, F.S.; defines terms; requires original equipment manufacturers of agricultural equipment to make certain manufacturing, diagnostic, and repair information available to independent repair

providers and owners; prohibits the original equipment manufacturers from excluding certain information concerning security-related functions; provides construction and applicability; provides civil liability; provides an effective date.

Georgia

HB 1176

<https://www.legis.ga.gov/legislation/61675>

Requires a manufacturer to provide certain items necessary for diagnostic, maintenance, or repair services on digital products; provides for a short title; provides for definitions; provides for enforcement, limitations, exclusions, and applicability; provides for related matters; repeals conflicting laws; and for other purposes.

HB 1663

<https://www.legis.ga.gov/legislation/63409>

Amends Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to deceptive or unfair practices, so as to provide for the right to repair digital electronic equipment; provides for related matters; repeals conflicting laws; and for other purposes.

Hawaii

HB 1405

<https://www.capitol.hawaii.gov/session2022/bills/HB1405.htm>

Requires manufacturers of digital electronic equipment to make available to owners and independent repair providers, on fair and reasonable terms, the documentation, parts, and tools used to diagnose, maintain, and repair the equipment.

HB 2369

<https://www.capitol.hawaii.gov/session2022/bills/HB2369.htm>

SB 2330

<https://www.capitol.hawaii.gov/session2022/bills/SB2330.htm>

Requires original equipment manufacturers of digital electronic equipment to make documentation, parts, and tools available to independent repair providers and owners for the purposes of diagnosis, maintenance, and repair on fair and reasonable terms.

SB 760

<https://www.capitol.hawaii.gov/session2021/bills/SB760.htm>

Creates the Medical Device Right to Repair Act. Requires manufacturers of powered medical equipment to make parts, equipment, tools, and documentation available to independent repair providers and purchasers of such equipment. Requires manufacturers to provide tools to repair equipment that costs \$100 or more. Creates a right of action for violation of the chapter enforceable by the attorney general.

SB 2690

<https://www.capitol.hawaii.gov/session2022/bills/SB2690.htm>

Requires original equipment manufacturers of digital electronic equipment to make documentation, parts, and tools available to independent repair providers and owners for the purposes of diagnosis, maintenance, and repair on fair and reasonable terms.

Illinois

HB 3061

<https://www.ilga.gov/legislation/102/HB/PDF/10200HB3061lv.pdf>

Creates the Digital Fair Repair Act. Provides that original equipment manufacturers shall: (i) make available to any independent repair provider or owner of equipment manufactured by the original equipment manufacturer the same diagnostic and repair documentation in the same manner as that information is made available to the manufacturer's authorized repair providers; and (ii) make available for purchase by the owner, his or her authorized agent, or any independent repair provider parts, inclusive of any updates to the embedded software of the parts, upon fair and reasonable terms. Requires manufacturers to make parts, tools, and documentation available when digital equipment is under an express warranty. Provides that a violation constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. Authorizes enforcement by the attorney general. Defines terms. Excludes motor vehicle manufacturers.

HB 4719

<https://www.ilga.gov/legislation/102/HB/PDF/10200HB4719lv.pdf>

Amends the Illinois Insurance Code. In provisions concerning motor vehicle aftermarket crash parts, provides that the purpose of the provisions is also to regulate the use of original equipment manufacturer repair specifications of aftermarket crash parts and automobile glass. Provides that for aftermarket crash parts and automobile glass repair or replacement, no insurer shall require the use of repair specifications that do not meet or exceed original equipment manufacturer repair specifications for those parts in the repair of an insured's motor vehicle, and no insurer shall require advanced driver assistance system calibration that does not meet or exceed original equipment manufacturer specifications for those parts. Provides that the language does not require the use of original equipment manufacturer repair parts if the repair parts used are identified and disclosed. Provides that the language does not require the use of original equipment manufacturer repair specifications that unreasonably restrict access to a repair facility.

Kentucky

HB 766

<https://apps.legislature.ky.gov/record/22rs/hb766.html>

Creates new sections of KRS Chapter 367 to require original equipment manufacturers to provide all materials needed to diagnose, maintain, and repair consumer goods to consumers and independent repair providers; amend KRS 367.990 to include a civil penalty for violation.

Maryland

HB 562

<https://mgaleg.maryland.gov/2022RS/bills/hb/hb0562F.pdf>

Requires an original equipment manufacturer to make available certain documentation, updates, or information to an independent repair provider or owner of farm equipment to allow for the diagnosis, maintenance, or repair of the farm equipment; provides that any contractual agreement purporting to waive, avoid, or limit a farm equipment manufacturer's compliance with this Act is void; prohibits a farm equipment manufacturer from knowingly misrepresenting or withholding farm equipment part numbers from a customer for a certain purpose; and generally relates to the right to repair farm equipment.

SB 631

<https://mgaleg.maryland.gov/2022RS/bills/sb/sb0631F.pdf>

Requires an original equipment manufacturer of consumer electronic equipment to make available, on fair and reasonable terms, certain documentation, parts, and tools to an independent repair provider or owner of consumer electronic equipment; and generally relates to consumer electronics.

Massachusetts

HB 365

<https://malegislature.gov/Bills/192/H365>

Relates to the right to repair motor vehicle data law.

HB 400

<https://malegislature.gov/Bills/192/H400>

Relates to disclosure notice in the right to repair motor vehicle data law.

HB 457

<https://malegislature.gov/Bills/192/H457>

Expands the motor vehicle right to repair law.

SB 166

<https://malegislature.gov/Bills/192/S166>

Relates to digital right to repair.

SB 3030

<https://malegislature.gov/Bills/192/S3030>

Relates to economic growth and relief for the commonwealth. Includes the Portable Wireless Device Repair Act

Michigan

HB 5985

<http://www.legislature.mi.gov/documents/2021-2022/billintroduced/House/pdf/2022-HIB-5985.pdf>

Creates digital electronic equipment repair act.

Minnesota

HF 1156

https://www.revisor.mn.gov/bills/text.php?number=HF1156&type=bill&version=0&session=ls92&session_year=2021&session_number=0

SF 2080

https://www.revisor.mn.gov/bills/text.php?number=SF2080&version=latest&session=ls92&session_year=2021&session_number=0

Provides for digital fair repair and provides penalties.

Missouri

HB 2141

<https://www.house.mo.gov/billtracking/bills221/hlrbillspdf/4553H.011.pdf>

This bill specifies that owners of products purchased or used in Missouri shall have the right to access the same diagnostic and repair information that manufacturers supply to independent repair facilities and authorized repair providers. Product owners shall also have the right to purchase service parts from manufacturers in the same manner and time as those parts are given to authorized repair providers. A "product" does not include motor vehicles. Product owners and independent repair facilities shall have the right to purchase all diagnostic repair tools from manufacturers with fair and reasonable terms. Products sold for security-related purposes may not be programmed to exclude diagnostic, service, or repair methods to reset a security-related electronic function. Manufacturers are not legally responsible for the content and functionality of such diagnostic repair tools so long as the manufacturers comply with the rest of the bill, the bill

does not require the manufacturer to divulge any trade secrets. However, no manufacturer shall be required to provide repair information or service parts to a product owner if the product is still covered by a repair or replacement warranty. The bill also provides a complaint provision for consumers and independent repair providers for violations of the bill and directs the attorney general to enforce its provisions.

HB 2402

<https://www.house.mo.gov/billtracking/bills221/hlrbillspdf/3598H.011.pdf>

This bill provides that owners of products purchased or used in Missouri and independent repair providers shall have the right to access the same diagnostic and repair information that manufacturers supply to authorized repair providers. Product owners shall also have the right to purchase service parts documentation, and tools from manufacturers in the same manner and time as those parts are given to authorized repair providers. A "product" is any farm machinery, construction machinery, or forestry machinery. Product owners and independent repair facilities shall have the right to purchase all diagnostic repair tools from manufacturers on fair and reasonable terms. For equipment with electronic security lock or other security-related function, the manufacturer must make available to owners and independent repair providers, on fair and reasonable terms, any special documentation, tools, and parts needed to disable the lock or function and to reset it when disabled in the course of diagnosis, maintenance, or repair of the equipment. Products sold for security-related purposes may not be programmed to exclude diagnostic, service, or repair methods to reset a security-related electronic function. Manufacturers are not legally responsible for the content and functionality of such diagnostic repair tools so long as the manufacturers comply with the rest of the bill, the bill does not require the divulgence of a trade secret. However, no manufacturer shall be required to provide repair information or service parts to a product owner if the product is still covered by a repair or replacement warranty. The bill also provides a complaint provision for consumers and independent repair providers for violations of the bill and is punishable by a \$10,000 fine per violation. The attorney general is required to enforce its provisions.

SB 1086

<https://www.senate.mo.gov/22info/pdf-bill/intro/SB1086.pdf>

Under this bill, owners of products, which is defined in the act as any farm machinery, construction machinery, or forestry machinery, purchased or used in Missouri and independent repair providers shall have the right to access the same diagnostic and repair information that manufacturers supply to authorized repair providers. Product owners shall also have the right to purchase service parts, documentation, and tools from manufacturers in the same manner and time as those parts are given to authorized repair providers. Nothing in the act shall require the manufacturer to divulge a trade secret to a product owner or to an independent repair provider, except as necessary to provide documentation, parts, and tools on fair and reasonable terms. If a product owner or independent repair provider believes a manufacturer has failed to provide information allowed under the bill, the owner or repair provider shall notify the manufacturer in writing and the manufacturer has 30 days to cure the failure. If the manufacturer fails to respond in a timely manner or if an owner or repair provider is not satisfied with the manufacturer's cure, the owner or repair provider may file a complaint in a court of competent jurisdiction. The attorney general shall have all powers, rights, and duties regarding violations of the act as are provided in the provisions of the Merchandising Practices Act.

Nebraska

LB 543

<https://nebraskalegislature.gov/FloorDocs/107/PDF/Intro/LB543.pdf>

Adopts the Agricultural Equipment Right-To-Repair Act.

New Jersey

AB 1538

https://www.njleg.state.nj.us/Bills/2022/A2000/1538_I1.PDF

This bill, to be known and cited as the "Fair Repair Act," establishes fair repair practices for digital electronic equipment, such as mobile phones, tablets, and other common consumer electronic devices.

AB 3612

https://pub.njleg.state.nj.us/Bills/2022/A4000/3612_I1.PDF

This bill establishes the right to repair farm equipment and lawn mowers with repair providers other than the original manufacturer.

New York

AB 7006

Substituted 6/3/22

<https://www.assembly.state.ny.us/leg/?bn=A07006&term=2021>

SB 4104

Signed by governor 12/28/22, Chapter 810

<https://www.assembly.state.ny.us/leg/?bn=s4104>

Relates to the sale of digital electronic equipment; requires original equipment manufacturers to provide diagnostic and repair information.

North Carolina

SB 762

Signed by governor 07/08/22, Chapter 55

<https://www.ncleg.gov/Sessions/2021/Bills/Senate/PDF/S762v6.pdf>

Requires the Agriculture and Forestry Awareness Study Commission to study whether to establish requirements for manufacturers of farm equipment to make documentation, parts, software, or tools required to diagnose, maintain, or repair electronically enabled farm equipment available to owners of the farm equipment or independent repair providers in the same manner as the documentation, parts, software, or tools are available to the manufacturer's authorized repair provider and, if so, the limitations and enforcement mechanisms that should apply to those requirements.

Pennsylvania

SB 998

<https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2021&sessInd=0&billBody=S&billTyp=B&billNbr=0998&pn=1304>

Requires manufacturers of digital electronic equipment to make available to owners and independent repair providers, on fair and reasonable terms, documentation, parts and tools used to diagnose, maintain and repair digital electronic equipment.

Puerto Rico

HR 1323

Relates to Right to Repair Law; establishes that it will be the obligation of manufacturers to deliver to consumers and repair providers the necessary documentation to diagnose and repair the purchased equipment; makes available for sale parts necessary to repair equipment and equipment necessary to perform repair diagnostics.

Rhode Island

HB 7535

<http://webserver.rilin.state.ri.us/BillText/BillText22/HouseText22/H7535.pdf>

This bill provides that original equipment manufacturers of agricultural equipment provide independent service providers repair information and tools to maintain and repair electronics of the agricultural equipment.

SB 2518

Passed Senate 6/14/22

<http://webserver.rilin.state.ri.us/BillText/BillText22/SenateText22/S2518.pdf>

This bill provides that original equipment manufacturers of agricultural equipment would provide independent service providers repair information and tools to maintain and repair the digital electronics embedded in or attached to the agricultural equipment. Failure to comply is enforceable by the attorney general in an action for injunctive or other equitable relief or a civil action to recover actual damages, courts costs and reasonable attorney fees.

Vermont

SB 262

<https://legislature.vermont.gov/Documents/2022/Docs/BILLS/S-0262/S-0262%20As%20Introduced.pdf>

This bill proposes to promote choice and competition by requiring manufacturers of personal electronic devices to make available to consumers and independent repair providers, on fair and reasonable terms, the documentation, parts, and tools used to diagnose, maintain, and repair those devices.

Virginia

HB 1094

Stricken from docket 2/1/22

<http://leg1.state.va.us/cgi-bin/legp504.exe?221+ful+HB1094>

Requires the original equipment manufacturer (OEM) of digital electronic equipment, or parts for such equipment, to make available to owners of such equipment and to independent repair providers, on fair and reasonable terms, documentation, parts, and tools for purposes of diagnosis, maintenance, or repair of such equipment. The bill requires, for digital electronic equipment that contains an electronic security lock or other security-related function, OEMs to make available to the owner and to independent repair providers, on fair and reasonable terms, any special documentation, tools, and parts needed to disable the lock or function, and to reset it when disabled. A violation is a prohibited practice under the Virginia Consumer Protection Act. The bill has a delayed effective date of Jan. 1, 2023.

Washington

HB 1810

<https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/House%20Bills/1810-S2.pdf?q=20220225151343>

Requires original manufacturers of digital electronic products sold on or after Jan. 1, 2023, to either make certain documentation, parts, and tools available to owners and independent repair providers on fair and reasonable terms or provide a training program and allow any licensed Washington business to obtain certification as a manufacturer certified repair facility. Provides exceptions for certain categories of manufacturers and products. Provides violations may be enforced solely by the Office of the Attorney General through the Consumer Protection Act.

SB 5795

<https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Senate%20Bills/5795.pdf?q=20220225151543>

Concerns the application of the consumer protection act to the fair servicing and repair of manufactured products.

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