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**HOUSE BILL 1933**

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**State of Washington**

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**2024 Regular Session**

**By** Representatives Gregerson, Kretz, Fitzgibbon, Morgan, Paul, Berry, Duerr, Ramel, Klicker, Reed, Simmons, Ormsby, Peterson, Kloba, Macri, Street, Doglio, Bergquist, Riccelli, Fosse, and Shavers

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1 AN ACT Relating to supporting the servicing and right to repair  
2 of certain products with digital electronics in a secure and reliable  
3 manner to increase access and affordability for Washingtonians; and  
4 adding a new chapter to Title 19 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) Consumer access to affordable and reliable products that  
8 contain digital electronics, including computers, cell phones,  
9 appliances, agricultural equipment, powered wheelchairs, and other  
10 nonexempted products, is essential to overcome digital inequities in  
11 Washington state and that broader distribution of the information,  
12 parts, and tools necessary to repair digital electronic products will  
13 shorten repair times, lengthen the useful lives of digital electronic  
14 products, and lower costs for consumers;

15 (b) Consumers increasingly rely on these products to conduct  
16 personal and professional business daily. Many modern consumer  
17 products contain digital components, such as microprocessors and  
18 microchips, which create barriers to repairs. In some United States'  
19 households, everything from the coffee maker, to the washing machine,  
20 vacuum, thermostat, or doorbell may have a digital component as

1 technology has evolved and smart products have increased in  
2 popularity;

3 (c) The need for more accessible and affordable repair options is  
4 felt more acutely among specific sectors of the population, notably  
5 Washington residents in rural areas and people who earn low incomes.  
6 Original manufacturer shops or authorized repair providers are often  
7 located in urban areas requiring consumers to travel long distances  
8 for repair or be without products for periods of time;

9 (d) Small, independent businesses play a vital role in  
10 Washington's economy. Providing access to information, parts, and  
11 tools is essential in contributing to a competitive repair market,  
12 allowing small repair shop employees to repair products more safely;

13 (e) Certain electronic products are comprised of precious metals  
14 that are finite, and unnecessary early disposal can be avoided with  
15 greater accessibility to proper and affordable repair; and

16 (f) Other states such as Minnesota, New York, California, and  
17 Colorado have enacted right to repair legislation, recognizing the  
18 need to increase access to the documentation, tools, and parts  
19 necessary to facilitate multiple repair options for all kinds of  
20 consumer products with digital electronics.

21 (2) Therefore, the legislature intends to broaden access to the  
22 information and tools necessary to repair digital electronic  
23 products, including computers, cell phones, appliances, agricultural  
24 equipment, powered wheelchairs, and other nonexempted products in a  
25 safe, secure, reliable, and sustainable manner, thereby increasing  
26 access to appropriate and affordable digital electronic products,  
27 supporting small businesses and jobs, and making it easier for all  
28 residents of Washington state to connect digitally.

29 NEW SECTION. **Sec. 2.** The definitions in this section apply  
30 throughout this chapter unless the context clearly requires  
31 otherwise.

32 (1) "Agricultural equipment" means a digital electronic product  
33 that is designed primarily for use in a farm operation, including any  
34 combine, tractor, sprayer, implement, or attachment, including  
35 attachments and repair parts thereof used in the planting,  
36 cultivating, irrigating, harvesting, or ranching of agricultural  
37 products, excluding self-propelled machines designed primarily for  
38 the transportation of persons or property on a street or highway.

1           (2) "Authorized repair provider" means an individual or business  
2 that is unaffiliated with an original manufacturer and that has an  
3 arrangement with the original manufacturer to use the original  
4 manufacturer's trade name, service mark, or other proprietary  
5 identifier for the purpose of offering the services of diagnosis,  
6 maintenance, or repair of digital electronic products under the name  
7 of the original manufacturer, or that has an arrangement with the  
8 original manufacturer under which the individual or business offers  
9 the services of diagnosis, maintenance, or repair of digital  
10 electronic products on behalf of the original manufacturer. An  
11 original manufacturer who offers the services of diagnosis,  
12 maintenance, or repair of its own digital electronic products shall  
13 be considered an authorized repair provider with respect to such  
14 products.

15           (3) "Diagnosis" means the process of identifying the issue or  
16 issues that cause digital electronic products to not be in fully  
17 working order.

18           (4) "Digital electronic product" or "products" means any product  
19 or electronic that depends, in whole or in part, on digital  
20 electronics, such as a microprocessor or microcontroller, embedded in  
21 or attached to the product in order to function.

22           (5) "Documentation" means any manual, maintenance procedures,  
23 functional and wiring diagrams, reporting output, service code  
24 description, circuit board schematics, security code, password,  
25 training material, troubleshooting information, list of required  
26 tools, parts list, or other guidance or information, or their  
27 equivalent, used in effecting the services of diagnosis, maintenance,  
28 or repair of digital electronic products.

29           (6) "Fair and reasonable terms" means each of the following, as  
30 applicable:

31           (a) (i) (A) For parts, other than agricultural equipment parts, at  
32 costs and terms that are equivalent to the most favorable costs and  
33 terms under which the manufacturer offers the part, tool, or  
34 documentation to an authorized repair provider, accounting for any  
35 discount, rebate, convenient and timely means of delivery, means of  
36 enabling fully restored and updated functionality, rights of use, or  
37 other incentive or preference the manufacturer offers to an  
38 authorized repair provider;

39           (B) For documentation, including any relevant updates, that the  
40 documentation is made available at no charge, except that, when the

1 documentation is requested in physical printed form, a charge may be  
2 included for the reasonable actual costs of preparing and sending the  
3 copy;

4 (C) For tools, that the tools are made available by the  
5 manufacturer at no charge and without imposing impediments to access  
6 or use of the tools to diagnose, maintain, or repair and enable full  
7 functionality of the product, requiring internet access, or in a  
8 manner that impairs the efficient and cost-effective performance of  
9 any such diagnosis, maintenance, or repair, except that, when a tool  
10 is requested in physical form, a charge may be included for the  
11 reasonable, actual costs of preparing and sending the tool;

12 (ii) If a manufacturer does not use an authorized repair  
13 provider, "fair and reasonable terms" means at a price that reflects  
14 the actual cost to the manufacturer to prepare and deliver the part,  
15 tool, or documentation, exclusive of any research and development  
16 costs incurred;

17 (b) For agricultural equipment parts:

18 (i) Costs that are fair to both parties, considering the agreed-  
19 upon conditions, promised quality, and timeliness of delivery; and

20 (ii) Terms that:

21 (A) Do not impose on an owner or an independent repair provider  
22 any substantial obligation to use or any restriction on the use of  
23 the part to diagnose, maintain, or repair farm equipment sold,  
24 leased, or otherwise supplied by the manufacturer, including a  
25 condition that the owner or independent repair provider become an  
26 authorized repair provider of the manufacturer, or a requirement that  
27 a part be registered, paired with, or approved by the manufacturer or  
28 an authorized repair provider before such part is operational; and

29 (B) Prohibit a manufacturer from imposing any additional cost or  
30 burden that is not reasonably necessary or is designed to be an  
31 impediment on the owner or independent repair provider.

32 (7) "Independent repair provider" means an individual or business  
33 that engages in the services of diagnosis, maintenance, or repair of  
34 digital electronic products in this state without an arrangement with  
35 the original manufacturer of such products as described in subsection  
36 (2) of this section or an affiliation with an authorized repair  
37 provider for such products. "Independent repair provider" also means  
38 an original manufacturer or an original manufacturer's authorized  
39 repair provider that obtains and maintains a repair certification and  
40 engages in the services of diagnosis, maintenance, or repair of a

1 digital electronic product that is not manufactured by or on behalf  
2 of, sold by, or supplied by such original manufacturer.

3 (8) "Maintenance" means any act necessary to keep currently  
4 working digital electronic products in fully working order.

5 (9) "Modifications" or "modifying" means any alteration to  
6 digital electronic products that is not maintenance or repair.

7 (10) "Original manufacturer" means an individual or business  
8 that, in the normal course of business, is engaged in the business of  
9 selling, leasing, or otherwise supplying new digital electronic  
10 products manufactured by or on behalf of itself, to any individual or  
11 business.

12 (11) "Owner" means an individual or business that owns or leases  
13 digital electronic products purchased or used in this state.

14 (12) "Part" means any replacement part, either new or used, or  
15 its equivalent, which is generally available or used by an original  
16 manufacturer or an authorized repair provider for purposes of  
17 effecting the services of maintenance or repair of digital electronic  
18 products manufactured or sold by the original manufacturer.

19 (13) "Powered wheelchair" means a motorized wheeled device  
20 designed for use by a person with a physical disability.

21 (14) "Repair" means any act needed to restore digital electronic  
22 products to fully working order.

23 (15) "Tool" means any software program, hardware implement, or  
24 other apparatus, used for diagnosis, maintenance, or repair of  
25 digital electronic products, including software or other mechanisms  
26 that provide, program, or pair a part, calibrate functionality, or  
27 perform any other function required to bring the product or part back  
28 to fully functional condition, including any updates.

29 (16) "Trade secret" has the same meaning as defined in 18 U.S.C.  
30 Sec. 1839, as that section existed on January 1, 2017.

31 (17) "Video game console" means a computing device, such as a  
32 console machine, a handheld console device, or another device or  
33 system, and its components and peripherals, that is primarily used by  
34 consumers for playing video games, but which is neither a general nor  
35 an all-purpose computer, such as a desktop computer, laptop, tablet,  
36 or cell phone.

37 NEW SECTION. **Sec. 3.** (1) Effective January 1, 2025, an original  
38 manufacturer of digital electronic products and parts for such  
39 products that are manufactured for the first time and first sold or

1 leased in this state on or after January 1, 2021, shall make  
2 available to any independent repair provider and owner, on fair and  
3 reasonable terms, any parts, tools, and documentation required for  
4 the diagnosis, maintenance, or repair of such products and parts for  
5 such products. Such parts, tools, and documentation shall be made  
6 available either directly by the original manufacturer or via an  
7 authorized repair provider or authorized third-party provider. For a  
8 product that requires deactivating a lock for purposes of repair, the  
9 original manufacturer shall make available to any independent repair  
10 provider or owner, with the express permission of the owner, on fair  
11 and reasonable terms, any special parts, tools, and documentation  
12 needed to access and reset the lock or function when disabled in the  
13 course of diagnosis, maintenance, or repair of such product. Such  
14 parts, tools, and documentation may be made available through an  
15 appropriate secure release system.

16 (2) Nothing in this chapter requires the original manufacturer to  
17 sell parts if the parts are no longer made available to authorized  
18 repair providers by the original manufacturer.

19 NEW SECTION. **Sec. 4.** Before repairing digital electronic  
20 products, authorized repair providers and independent repair  
21 providers shall provide to customers, publish on their website, or  
22 post at the place of business, a written notice that contains the  
23 following information:

24 (1) The steps taken by the authorized repair provider or the  
25 independent repair provider to ensure the privacy and security of  
26 products entrusted for repair;

27 (2) Recommended steps for the customer to take to safeguard  
28 product data, including:

29 (a) If appropriate, backing up data prior to repair and wiping  
30 backed-up data from a product;

31 (b) Sharing only the passwords or access to functions necessary  
32 for the relevant repairs; and

33 (c) Logging out of applications or websites that contain  
34 sensitive data or that otherwise pose a security risk, such as  
35 electronic mail, banking, and social media accounts; and

36 (3) (a) A statement about the customer's legal right to privacy,  
37 which is protected under Article I, section 7 of the state  
38 Constitution and under Washington law, which protects against:

1 (i) Washington cybercrimes under chapter 9A.90 RCW, including  
2 electronic data theft, electronic data tampering, spoofing, and  
3 computer trespass;

4 (ii) The disclosing of intimate images under RCW 9A.86.010;

5 (iii) The criminal impersonation of another under RCW 9A.60.040;  
6 and

7 (iv) Identity crimes under chapter 9.35 RCW.

8 (b) Violations of privacy may be referred to law enforcement for  
9 criminal prosecution, and violators may be liable for damages,  
10 including mental pain and suffering, that a violation of privacy may  
11 have caused to a customer's business, person, or reputation.

12 NEW SECTION. **Sec. 5.** (1) Nothing in this chapter shall be  
13 construed to require an original manufacturer to divulge a trade  
14 secret or license any intellectual property to an owner or to an  
15 independent repair provider, except as necessary to provide parts,  
16 tools, and documentation on fair and reasonable terms.

17 (2) Nothing in this chapter shall be construed to alter the terms  
18 of any arrangement described in section 2(2) of this act in force  
19 between an authorized repair provider and an original manufacturer  
20 including, but not limited to, the performance or provision of  
21 warranty or recall repair work by an authorized repair provider on  
22 behalf of an original manufacturer pursuant to such arrangement,  
23 except that any provision in such terms that purports to waive,  
24 avoid, restrict, or limit the original manufacturer's obligations to  
25 comply with this section shall be void and unenforceable.

26 (3) Nothing in this chapter shall be construed to require an  
27 original manufacturer or an authorized repair provider to provide to  
28 an owner or independent repair provider access to information, other  
29 than documentation, that is provided by the original manufacturer to  
30 an authorized repair provider pursuant to the terms of an arrangement  
31 described in section 2(2) of this act.

32 (4) Nothing in this chapter shall be construed to require an  
33 original manufacturer or authorized repair provider to make available  
34 any parts, tools, or documentation for the purposes of modifying or  
35 making modifications to any digital electronic products.

36 (5) Nothing in this chapter shall be construed to require an  
37 original manufacturer or authorized repair provider to make available  
38 any parts, tools, or documentation required for the diagnosis,  
39 maintenance, or repair of public safety communications equipment, the

1 intended use of which is for emergency response or prevention  
2 purposes by an emergency service organization such as a police, fire,  
3 or emergency medical services agency.

4 (6) Nothing in this chapter shall apply to manufacturers or  
5 distributors of a medical device, other than powered wheelchairs, as  
6 defined in the federal food, drug, and cosmetic act, Title 21 U.S.C.  
7 Sec. 301 et seq., a digital electronic product, or embedded software  
8 manufactured primarily for use in a medical setting, including  
9 diagnostic, monitoring, or control equipment.

10 (7) Nothing in this chapter shall apply to a:

11 (a) Motor vehicle manufacturer, manufacturer of motor vehicle  
12 equipment, or motor vehicle dealer acting in that capacity or to any  
13 product or service of a motor vehicle manufacturer, manufacturer of  
14 motor vehicle equipment, or motor vehicle dealer acting in that  
15 capacity; or

16 (b) Manufacturer, distributor, importer, or dealer of any power  
17 generation or storage equipment, or equipment for fueling or charging  
18 motor vehicles.

19 (8) Nothing in this section applies to utility equipment;  
20 construction equipment; compact construction equipment; road building  
21 equipment; electronic vehicle charging infrastructure equipment;  
22 mining equipment; and any tools, technology, attachments,  
23 accessories, components, and repair parts for any of the foregoing.

24 (9) Nothing in this section shall be construed to require any  
25 original manufacturer or authorized repair provider to make available  
26 any parts, tools, or documentation required for the diagnosis,  
27 maintenance, or repair of a video game console and its components and  
28 peripherals.

29 NEW SECTION. **Sec. 6.** (1) No original manufacturer or  
30 authorized repair provider shall be liable for any damage or injury  
31 to any digital electronic product caused by an independent repair  
32 provider or owner which occurs during the course of repair,  
33 diagnosis, or maintenance and is not attributable to the original  
34 manufacturer or authorized repair provider other than if the failure  
35 is attributable to design or manufacturing defects.

36 (2) The original manufacturer does not warrant any services  
37 provided by independent repair providers.



1        NEW SECTION.    **Sec. 7.**    (1) The legislature finds that the  
2 practices covered by this chapter are matters vitally affecting the  
3 public interest for the purpose of applying the consumer protection  
4 act, chapter 19.86 RCW. A violation of this chapter is not reasonable  
5 in relation to the development and preservation of business and is an  
6 unfair or deceptive act in trade or commerce and an unfair method of  
7 competition for the purpose of applying the consumer protection act,  
8 chapter 19.86 RCW.

9        (2) This chapter may be enforced solely by the attorney general  
10 under the consumer protection act, chapter 19.86 RCW.

11        NEW SECTION.    **Sec. 8.**    Sections 1 through 7 and 9 of this act  
12 constitute a new chapter in Title 19 RCW.

13        NEW SECTION.    **Sec. 9.**    This chapter may be known and cited as the  
14 right to repair act.

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