
**Technology, Economic Development, &
Veterans Committee**

HB 1483

Brief Description: Supporting the servicing and right to repair of certain products with digital electronics in a secure and reliable manner.

Sponsors: Representatives Gregerson, Reeves, Wylie, Berry, Doglio, Fitzgibbon, Davis, Reed, Ramel, Bergquist, Peterson, Macri, Fosse, Ormsby, Hill and Simmons.

Brief Summary of Bill

- Establishes the Right to Repair Act (Repair Act), which requires original manufacturers of digital electronic products to make available to independent repair providers on fair and reasonable terms certain parts, tools, and documentation for the diagnosis, maintenance, or repair of digital electronic products.
- Contains certain exceptions for when parts, tools, and documentation do not have to be made available to independent repair providers.
- Provides for enforcement by the Attorney General pursuant to the Consumer Protection Act.

Hearing Date: 1/31/25

Staff: Emily Poole (786-7106).

Background:

The Magnuson-Moss Warranty Act (MMWA), enforced by the Federal Trade Commission (FTC), limits how written warranties may be used when marketing products to consumers. The MMWA has an anti-tying provision, which prohibits manufacturers from using access to

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warranty coverage as a way of obstructing consumers' ability to have their products maintained or repaired using third-party replacement parts and independent repair shops.

In 2021, the FTC issued a report on consumer protection and antitrust issues related to repair restrictions. In the report, the FTC noted that repairs of consumer products increasingly require specialized tools, difficult-to-obtain parts, and access to proprietary diagnostic software, resulting in limited choices for consumers whose products break. The FTC's report described three general types of relationships between market participants, including relationships where: (1) manufacturers offer repair services for their products themselves, or through a network of affiliates, as the only authorized means of repair; (2) the original manufacturer has no presence in the sale of aftermarket parts or services, and independent service organizations sometimes provide repair and maintenance services; and (3) the original manufacturer participates in aftermarket service markets in competition with independent repair shops.

Summary of Bill:

The Right to Repair Act (Repair Act) is established.

Requirements.

Beginning January 1, 2026, an original manufacturer is required to make available to any independent repair provider or owner on fair and reasonable terms any parts, tools, and documentation intended for the diagnosis, maintenance, or repair of digital electronic products and parts. This requirement applies to digital electronic products and parts that are first manufactured, and first sold or used in Washington, on or after July 1, 2021.

For digital electronic products that are manufactured for the first time, and first sold or used in Washington, after January 1, 2025, an original manufacturer may not use parts pairing in certain ways that affect the ability of a digital electronic product to be repaired.

Digital electronic product is defined as "any product or electronic that: (a) depends, in whole or in part, on digital electronics, such as a microprocessor or microcontroller, embedded in or attached to the product in order to function; (b) is tangible personal property; (c) is generally used for personal, family, or household purposes; (d) is sold, used, or supplied in Washington 180 days or more after the product was first manufactured and 180 days or more after the product was first sold or used in Washington; and (e) might be, but is not necessarily, capable of attachment to or installation in real property."

Other defined terms include authorized repair provider, authorized third-party provider, diagnosis, documentation, fair and reasonable terms, independent repair provider, maintenance, modifications, original manufacturer, owner, part, parts pairing, repair, tool, trade secret, and video game console.

Customer Notice.

Before accepting digital electronic products for repair, authorized repair providers and

independent repair providers must provide customers with a written notice that includes certain information, including:

- the steps taken to ensure the privacy and security of products entrusted for repair;
- recommended steps for the customer to take to safeguard product data;
- a statement about the customer's legal right to privacy and notice that violations of this right may result in criminal prosecution or civil liability; and
- for independent repair providers, whether the repair provider uses any replacement parts that are used or provided by a supplier other than the original manufacturer.

Not Liable for Repairs or Functionality.

An original manufacturer or authorized repair provider is not liable for any damage to any digital electronic product caused by an independent repair provider or owner, which occurs during the course of repair, diagnosis, or maintenance and is not attributable to the original manufacturer or authorized repair provider other than if the failure is attributable to design or manufacturing defects.

An original manufacturer does not warrant any services provided by independent repair providers.

Right to Repair Act Exceptions.

The Repair Act does not alter the terms of any arrangement in force between an original manufacturer and an authorized repair provider, subject to exceptions. The Repair Act also does not require an original manufacturer to:

- divulge a trade secret to an independent repair provider, except as necessary to provide parts, tools, and documentation on fair and reasonable terms; or
- make available special documentation, tools, parts, or other devices or implements that would disable or override, without an owner's authorization, antitheft or privacy security measures that the owner sets.

Provisions of the Repair Act may not be construed to require an original manufacturer or an authorized repair provider to:

- provide to an owner or independent repair provider access to information, other than documentation, that is provided by the original manufacturer to an authorized repair provider pursuant to an arrangement;
- make available any parts, tools, or documentation for the purposes of modifying digital electronic products;
- make available any parts, tools, or documentation required for the diagnosis, maintenance, or repair of certain public safety communications equipment or video game consoles; or
- make available documentation or tools used exclusively for repairs completed by machines that operate on several products simultaneously, if the original manufacturer makes available sufficient, alternative documentation and tools to repair the product.

Several different types of entities and products are exempt from provisions of the Repair Act, including but not limited to:

- motor vehicle manufacturers;
- manufacturers of power generation or storage equipment and certain products that store electrical energy and transmit the energy after storage;
- products that generate or store electrical energy from solar radiation;
- products that have never been available for retail sale;
- manufacturers or distributors of products primarily intended for use in a medical setting;
- utility, agricultural, construction, and mining equipment;
- off-road equipment, including tractors, farm and yard equipment, outdoor power equipment, marine and recreational vehicles, and power sources; and
- set-top boxes, modems, routers, or all-in-one devices delivering internet, video, and voice systems that are distributed by a video, internet, or voice service provider if the service provider offers equivalent or better, readily available replacement equipment at no charge to the customer.

Enforcement.

Violations of requirements under the Repair Act are deemed to affect public interest and constitute an unfair or deceptive act in trade or commerce for purposes of the Consumer Protection Act. The Repair Act may only be enforced by the Attorney General under the Consumer Protection Act.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.