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## Consumer Protection & Business Committee

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### HB 1826

**Brief Description:** Establishing a right to repair for mobility equipment for persons with physical disabilities.

**Sponsors:** Representatives Gregerson, Farivar, Doglio, Berry, Parshley, Obras, Ramel, Ormsby, Macri, Fosse, Bernbaum, Pollet and Hill.

#### Brief Summary of Bill

- Establishes a right to repair for mobility devices designed for people with physical disabilities, requiring manufacturers to make available, on fair and reasonable terms, documentation, parts, embedded software, firmware, or tools to independent repair providers and owners of mobility devices.
- Makes a violation of the right to repair a violation of the Consumer Protection Act, to be enforced solely by the Attorney General.

**Hearing Date:** 2/19/25

**Staff:** Megan Mulvihill (786-7304).

#### Background:

Modern mobility devices often have technology and use software that has become harder for consumers to fix and maintain because of specialized tools, difficult-to-obtain parts, and access to proprietary diagnostic software. Manufacturers generally have control over repairs by restricting access to information, components, and tools necessary to diagnose, service, and repair their products, such as with application of patent rights, enforcement of trademarks,

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software locks, firmware updates, and end user license agreements. Consumers can attempt to repair their own equipment, or use the services of an authorized or independent repair provider.

Authorized repair providers are merchants that have an arrangement with a manufacturer to service their products. Independent repair providers provide similar services, but are not affiliated with a manufacturer.

The Magnuson-Moss Warranty Act (MMWA) is enforced by the Federal Trade Commission (Commission) and was passed in 1975 to clarify 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 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. Manufacturers may seek a waiver from the Commission from the prohibition if: (1) the warrantor satisfies with the Commission that the manufacturer's parts or services are necessary for the product to function; and (2) the waiver is in the public interest.

### **Summary of Bill:**

#### *Right to Repair Mobility Devices.*

An original equipment manufacturer (OEM) must, on fair and reasonable terms, make available to any independent repair provider (IRP) or owner of a mobility device any documentation, parts, embedded software, firmware, or tools that are intended for use with the mobility device or any part, including updates. Such documentation, parts, embedded software, firmware, and tools must be made available either directly by the OEM or via an authorized repair provider (ARP) or authorized third-party provider. Mobility devices are those designed for people with physical disabilities and include power wheelchairs, manual wheelchairs, mobility scooters, and power assist devices for manual wheelchairs.

An OEM and an ARP are not liable for any damage or injury to any mobility device caused by an IRP or owner which occurs during service and is not attributable to the OEM or the ARP, unless failure is attributable to design or manufacturing defects. An OEM does not warrant any services provided by an IRP.

#### *Right to Repair Act Exceptions.*

- An OEM is not required to sell parts if the parts are no longer available to the ARP of the OEM.
- An OEM is not required to divulge trade secrets, except as necessary to provide documentation, parts, embedded software, firmware, or tools on fair and reasonable terms and costs.
- The regulations established are not intended to alter an agreement between an OEM and an ARP.
- An OEM and an ARP are not required to provide an IRP or owner access to information, other than documentation, that is provided by the OEM to the ARP pursuant to their agreement.

*Enforcement.*

Violations of the right to repair are deemed to affect public interest and constitute an unfair or deceptive act in trade or commerce for purposes of the Consumer Protection Act. Violations are only enforceable by the Attorney General.

**Appropriation:** None.

**Fiscal Note:** Available.

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