

# SENATE BILL REPORT

## SB 5680

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As of February 14, 2025

**Title:** An act relating to establishing a right to repair for mobility equipment for persons with physical disabilities.

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

**Sponsors:** Senators Hansen, Frame, Hasegawa, Lovelett, Short, Stanford and Valdez.

**Brief History:**

**Committee Activity:** Environment, Energy & Technology: 2/14/25.

**Brief Summary of Bill**

- Establishes a right to repair for mobility devices.
- Specifies what an original equipment manufacturer is not required to provide.
- Provides for enforcement by the attorney general pursuant to the Consumer Protection Act.

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### SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

**Staff:** Alicia Kinne-Clawson (786-7407)

**Background:** Magnuson-Moss Warranty Act. 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

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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.

Warranty. State law requires that a manufacturer who sells a wheelchair to a consumer to furnish the consumer with an express warranty with a duration of at least one year for the wheelchair. If the manufacturer fails to furnish an express warranty, the wheelchair is covered by an applied warranty.

**Summary of Bill:** Repair Providers. Authorized repair providers original equipment manufacturers who offer diagnosis, maintenance, or repair of equipment or are individuals or businesses that are unaffiliated with an original equipment manufacturer, and:

- have an arrangement with the original equipment manufacturer to use the original equipment manufacturers trade name, service mark, or other proprietary identifier for the purposes of diagnosis, maintenance, or repair of equipment; or
- have an arrangement with the original equipment manufacturer to offer diagnosis, maintenance, or repair on behalf of the original equipment manufacturer.

Independent repair providers are individuals or businesses that engage in the diagnosis, maintenance, or repair of equipment without an arrangement with the original equipment manufacturer. Independent repair providers also include providers that engage in diagnosis, maintenance, or repair of equipment that is not manufactured by, or on behalf of, sold by, or supplied by the original equipment manufacturer.

Equipment Services. An original equipment manufacturer must, on fair and reasonable terms, make available to any independent repair provider or owner the documentation, parts, embedded software, firmware, or tools that are intended for use with the equipment. The original equipment manufacturer must also provide any updates to documentation, parts, embedded software, firmware, or tools. The diagnosis, maintenance, or repair of digital electronic products that are first manufactured, and first sold or used in Washington.

Equipment means mobility devices designed for people with physical disabilities including, but not limited to, power wheelchairs, manual wheelchairs, mobility scooters, and power assist devices for manual wheelchairs.

Exceptions. This act does not require an original manufacturer to:

- sell parts if the parts are no longer made available to authorized repair providers;
- divulge a trade secret to an independent repair provider, except as necessary to provide parts, tools, and documentation on fair and reasonable terms;
- alter the terms of any arrangement in force between an original manufacturer and an authorized repair provider; or
- require an original equipment 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 equipment manufacturer to an authorized repair provider.

An original equipment manufacturer or authorized repair provider is not liable for any damage or injury to equipment caused by an independent repair provider or owner other than if the failure is attributable to design or manufacturing defects. The original equipment manufacturer does not warrant any services provided by independent repair providers.

Enforcement. Violations of requirements under this 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. This act may only be enforced by the attorney general under the Consumer Protection Act.

**Appropriation:** None.

**Fiscal Note:** Requested on February 12, 2025.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill expands the right to repair concept to mobility equipment. This problem was brought to my attention by a colleague who when something goes wrong on her wheelchair it is typically a many hour drive and many week wait. This bill builds on work that was already done in Colorado.

I'm here to support this bill because of the frustration that I and others have experienced. Once when I needed repair the company was short on technicians. I'm told that companies look for people with mechanical ability, have them watch videos. My four year old wheelchair was \$38,000.

Our son was born with a rare neuromuscular condition. Getting consistent and adequate service for a wheelchair has been difficult from the beginning. It's uncomfortable and puts people in danger when their wheelchair is not functioning properly. Sixty-eight percent of people who needed a repair had to wait four or more weeks. Some up to 24 weeks. It's time for people to have the power to control how things get fixed.

The majority wheelchairs are highly customized and designed for an individual's size, needs, or movement. It took months of contacting my wheelchair provider to get information about the size of a \$3 bearing I needed replaced. When users can not easily and cheaply repair their own wheelchair it becomes a throw away item.

OTHER: This bill should also include other medical equipment including crutches or other mobility aids.

**Persons Testifying:** PRO: Senator Drew Hansen, Prime Sponsor; Marsha Cutting; Nathan

Proctor, WashPIRG; cecelia black, Disability Rights Washington; Matt Thompson, KC HELP.

OTHER: Leigh Spruce.

**Persons Signed In To Testify But Not Testifying:** PRO: Krista Hanson.