FINAL BILL REPORT
SB 5680

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Synopsis as Enacted

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.

Senate Committee on Environment, Energy & Technology
House Committee on Consumer Protection & Business

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 the warrantor satisfies with the Commission that the manufacturer's parts or services are necessary for the product to function, and 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: Repair Providers. Repair providers are unaffiliated with the original equipment manufacturers and offer diagnosis, maintenance, or repair of equipment and:

- authorized repair providers 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
- third-party repair providers have an arrangement with the original equipment manufacturer to offer diagnosis, maintenance, or repair on behalf of the original

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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.

Notice. Independent repair providers are required to provide written notice to consumers stating the repair provider is not an authorized repair provider; and notice of any new or used replacement parts that were not obtained from the original manufacturer.

Enforcement. Violations of requirements under this act are deemed to affect the 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.

Votes on Final Passage:

Senate	48	0	
House	95	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: July 27, 2025