

CERTIFICATION OF ENROLLMENT

SENATE BILL 5680

69th Legislature
2025 Regular Session

Passed by the Senate April 22, 2025
Yeas 48 Nays 0

President of the Senate

Passed by the House April 11, 2025
Yeas 95 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5680** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5680

AS AMENDED BY THE HOUSE

Passed Legislature - 2025 Regular Session

State of Washington 69th Legislature 2025 Regular Session

By Senators Hansen, Frame, Hasegawa, Lovelett, Short, Stanford, and Valdez

Read first time 02/06/25. Referred to Committee on Business, Financial Services & Trade.

1 AN ACT Relating to establishing a right to repair for mobility
2 equipment for persons with physical disabilities; and adding a new
3 chapter to Title 19 RCW.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that access to
6 reliable mobility devices is critical for Washingtonians living with
7 disabilities, the growing senior population, developmentally delayed
8 children, and others. For those who rely on a power wheelchair or
9 other mobility device, any delay in repair is not only a quality of
10 life issue, but it can interfere with their employment, schooling,
11 health, and safety. A recent survey of wheelchair users found that a
12 majority of respondents had repair times that were at least four
13 weeks, but often seven or more weeks. Therefore, the legislature
14 intends to require mobility device manufacturers to make
15 documentation, parts, embedded software, firmware, and tools
16 available to independent repair providers and mobility device owners
17 to ensure that there are more repair options available for
18 Washingtonians, so no one has to wait for long repairs for vital
19 equipment.

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

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

17 (2) "Authorized third-party provider" means an individual or
18 business that is unaffiliated with an original equipment manufacturer
19 and that has an arrangement with the original equipment manufacturer
20 to use the original equipment manufacturer's trade name, service
21 mark, or other proprietary identifier for the purpose of distributing
22 documentation, parts, embedded software, firmware, or tools.

23 (3) "Diagnosis" means the process of identifying the issue or
24 issues that cause the equipment to not be in fully working order.

25 (4) "Documentation" means any manual, diagram, maintenance
26 procedures, functional and wiring diagrams, reporting output, service
27 code description, circuit board schematics, security code, password,
28 training material, troubleshooting information, list of required
29 tools, parts list, or other guidance or information that enables a
30 person to service or update their equipment.

31 (5) "Embedded software" means programmable instructions provided
32 on firmware delivered with an electronic component of equipment or
33 with any part for the purpose of restoring or improving operation of
34 the equipment or part and includes all relevant patches and fixes
35 that the original equipment manufacturer makes to equipment or to any
36 part for the purpose of restoring or improving the equipment or part.

37 (6) "Equipment" means mobility devices designed for people with
38 physical disabilities including, but not limited to, power
39 wheelchairs, manual wheelchairs, mobility scooters, and power assist
40 devices for manual wheelchairs.

1 (7) "Fair and reasonable terms and costs" means each of the
2 following, as applicable:

3 (a) (i) For parts, at costs and terms that are equivalent to the
4 most fair and reasonable costs and terms under which the original
5 equipment manufacturer offers the part to an authorized repair
6 provider, accounting for any discount, rebate, convenient and timely
7 means of delivery, means of enabling fully restored and updated
8 functionality, rights of use, or other incentive or preference the
9 original equipment manufacturer offers to an authorized repair
10 provider, and is not conditioned on or imposing a substantial
11 obligation to use or restrict the use of the part to service
12 equipment sold, leased, or otherwise supplied by the original
13 equipment manufacturer;

14 (ii) For documentation, including any relevant updates, that the
15 documentation is made available at no charge, except that, when the
16 documentation is requested in physical printed form, a charge may be
17 included for the reasonable actual costs of preparing and sending the
18 copy;

19 (iii) For tools, that the tools are made available by the
20 original equipment manufacturer at no charge and without imposing
21 impediments to access or use of the tools to service and enable full
22 functionality of the equipment, or in a manner that impairs the
23 efficient and cost-effective performance of any such services, except
24 that, when a tool is requested in physical form, a charge may be
25 included for the reasonable, actual costs of preparing and sending
26 the tool;

27 (b) If an original equipment manufacturer does not use an
28 authorized repair provider, "fair and reasonable terms and costs"
29 means at a price that reflects the actual cost to the original
30 equipment manufacturer to prepare and deliver the part, tool, or
31 documentation, exclusive of any research and development costs
32 incurred.

33 (8) "Firmware" means a software program or set of instructions
34 programmed on equipment or a part to allow equipment or a part to
35 communicate with itself or with other computer hardware.

36 (9) "Independent repair provider" means an individual or business
37 that engages in the services of diagnosis, maintenance, or repair of
38 equipment in this state without an arrangement with the original
39 equipment manufacturer of such equipment as described in subsection
40 (1) of this section or an affiliation with an authorized repair

1 provider for such equipment. "Independent repair provider" also means
2 an original equipment manufacturer or an original equipment
3 manufacturer's authorized repair provider that engages in the
4 services of diagnosis, maintenance, or repair of equipment that is
5 not manufactured by or on behalf of, sold by, or supplied by such
6 original equipment manufacturer.

7 (10) "Maintenance" means any act necessary to keep currently
8 working equipment in fully working order.

9 (11) "Manual wheelchair" means a wheeled mobility device that is
10 a chair that can either be propelled by the user or pushed by another
11 person.

12 (12) "Mobility scooter" means an electric personal transporter
13 that is used as a mobility aid for people who need assistance with
14 walking or getting around.

15 (13) "Original equipment manufacturer" means an individual or
16 business that, in the normal course of business, is engaged in the
17 business of selling, leasing, or otherwise supplying new equipment
18 manufactured by or on behalf of itself, to any individual or
19 business.

20 (14) "Owner" means an individual or business that owns or leases
21 equipment purchased or used in this state.

22 (15) "Part" means any replacement part, either new or used, or
23 its equivalent, which is generally available or used by an original
24 equipment manufacturer or an authorized repair provider for purposes
25 of effecting the services of maintenance or repair of equipment
26 manufactured or sold by the original equipment manufacturer.

27 (16) "Power assist device" means a motorized attachment that can
28 be added to a manual wheelchair to help the user propel the
29 wheelchair with less effort.

30 (17) "Power wheelchair" means a motorized wheeled device designed
31 for use by a person with a physical disability.

32 (18) "Repair" means any act needed to restore equipment to fully
33 working order.

34 (19) "Service" or "services" means diagnosis, maintenance, or
35 repair services performed on equipment or a part.

36 (20) "Tools" means any software program, hardware implement, or
37 other apparatus, used for diagnosis, maintenance, or repair of
38 equipment or parts, including software or other mechanism that
39 provides, programs, or pairs a new part; calibrates functionality; or

1 performs any other function required to bring the equipment or part
2 back to fully functional condition, including any updates.

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

5 NEW SECTION. **Sec. 3.** For the purpose of providing services for
6 equipment in the state, an original equipment manufacturer shall, on
7 fair and reasonable terms and costs, make available to any
8 independent repair provider or owner of the original equipment
9 manufacturer's equipment any documentation, parts, embedded software,
10 firmware, or tools that are intended for use with the equipment or
11 any part, including updates to documentation, parts, embedded
12 software, firmware, or tools. Such documentation, parts, embedded
13 software, firmware, and tools shall be made available either directly
14 by the original equipment manufacturer or via an authorized repair
15 provider or authorized third-party provider.

16 NEW SECTION. **Sec. 4.** Nothing in this chapter shall be construed
17 to:

18 (1) Require an original equipment manufacturer to sell parts if
19 the parts are no longer made available to authorized repair providers
20 by the original equipment manufacturer;

21 (2) Require an original equipment manufacturer to divulge a trade
22 secret to an independent repair provider or owner, except as
23 necessary to provide documentation, parts, embedded software,
24 firmware, or tools on fair and reasonable terms and costs;

25 (3) Alter the terms of any arrangement described in section 2(1)
26 of this act in force between an authorized repair provider and an
27 original equipment manufacturer including, but not limited to, the
28 performance or provision of warranty or recall repair work by an
29 authorized repair provider on behalf of an original equipment
30 manufacturer pursuant to such arrangement, except that any provision
31 in such terms that purports to waive, avoid, restrict, or limit the
32 original equipment manufacturer's obligations to comply with this
33 section shall be void and unenforceable; or

34 (4) Require an original equipment manufacturer or an authorized
35 repair provider to provide to an owner or independent repair provider
36 access to information, other than documentation, that is provided by
37 the original equipment manufacturer to an authorized repair provider

1 pursuant to the terms of an arrangement described in section 2(1) of
2 this act.

3 NEW SECTION. **Sec. 5.** (1) An original equipment manufacturer or
4 authorized repair provider shall not be liable for any damage or
5 injury to any equipment caused by an independent repair provider or
6 owner which occurs during the course of services and is not
7 attributable to the original equipment manufacturer or authorized
8 repair provider other than if the failure is attributable to design
9 or manufacturing defects.

10 (2) The original equipment manufacturer does not warrant any
11 services provided by independent repair providers.

12 NEW SECTION. **Sec. 6.** Before providing services or repairs for
13 equipment, an independent repair provider shall provide the consumer
14 seeking services or repairs with written notice, provided either
15 electronically or in a hard copy document, indicating:

16 (1) That the independent repair provider is not an authorized
17 repair provider of the original equipment manufacturer; and

18 (2) Whether the independent repair provider, in providing
19 services or repairs, uses any new or used replacement parts obtained
20 from a supplier other than the original equipment manufacturer.

21 NEW SECTION. **Sec. 7.** (1) The legislature finds that the
22 practices covered by this chapter are matters vitally affecting the
23 public interest for the purpose of applying the consumer protection
24 act, chapter 19.86 RCW. A violation of this chapter is not reasonable
25 in relation to the development and preservation of business and is an
26 unfair or deceptive act in trade or commerce and an unfair method of
27 competition for the purpose of applying the consumer protection act,
28 chapter 19.86 RCW.

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

31 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act
32 constitute a new chapter in Title 19 RCW.

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