



General Assembly

February Session, 2022

Raised Bill No. 121

LCO No. 1275



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

AN ACT CONCERNING THE FAIR RIGHT TO REPAIR ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) This section shall be
2 known, and may be cited, as the "Fair Right to Repair Act".

3 (b) For the purposes of this section:

4 (1) "Authorized repair provider" means (A) with respect to any
5 original equipment manufacturer, any person who is unaffiliated with
6 such original equipment manufacturer and enters into an arrangement
7 with such original equipment manufacturer under which (i) such
8 original equipment manufacturer grants to such person a license to use
9 a service mark, trade name or other proprietary identifier for the
10 purpose of offering to diagnose, maintain or repair digital electronic
11 equipment under such original equipment manufacturer's name, or (ii)
12 such person offers to diagnose, maintain or repair digital electronic
13 equipment on behalf of such original equipment manufacturer, and (B)
14 with respect to any digital electronic equipment, any original equipment
15 manufacturer that (i) manufactures, has manufactured on such original

16 equipment manufacturer's behalf, sells or supplies such digital
17 electronic equipment and offers to diagnose, maintain or repair such
18 digital electronic equipment, and (ii) does not enter into an arrangement
19 with any unaffiliated person as described in subparagraph (A) of this
20 subdivision for the purpose of diagnosing, maintaining or repairing
21 such digital electronic equipment.

22 (2) "Digital electronic equipment" means any product that, in whole
23 or in part, requires digital electronics that are embedded in, or attached
24 to, such product in order for such product to fully function.

25 (3) "Documentation" means any diagram, manual, password,
26 reporting output, schematic, security code, service code description or
27 other information that is used to diagnose, maintain or repair digital
28 electronic equipment and any update to such diagram, manual,
29 password, reporting output, schematic, security code, service code
30 description or other information.

31 (4) "Fair and reasonable terms" means (A) terms that (i) enable a
32 person to obtain from an original equipment manufacturer any
33 documentation, part or tool at a price, and subject to conditions, that are
34 equivalent to the most favorable price at, and conditions under, which
35 the original equipment manufacturer offers such documentation, part
36 or tool to an authorized repair provider (I) including any discount,
37 convenient and timely means of delivery, means of enabling fully
38 restored and updated functionality, rebate, right of use and other
39 incentive or preference such original equipment manufacturer may
40 offer to an authorized repair provider, and (II) excluding any additional
41 burden, cost or impediment such original equipment manufacturer may
42 otherwise impose on an independent repair provider or owner, and (ii)
43 are not conditioned on the existence of an arrangement described in
44 subparagraph (A) of subdivision (1) of this subsection, and (B) with
45 respect to any documentation, including, but not limited to, any updates
46 to such documentation, terms that (i) satisfy the criteria set forth in
47 subparagraph (A) of this subdivision, and (ii) do not impose any cost for
48 such documentation except for the actual and reasonable cost of

49 preparing and providing such documentation if such documentation is
50 provided in printed form.

51 (5) "Independent repair provider" means (A) any original equipment
52 manufacturer operating in this state that diagnoses, maintains or repairs
53 any digital electronic equipment that such original equipment
54 manufacturer did not manufacture, have manufactured on such original
55 equipment manufacturer's behalf, sell or supply, and (B) any person (i)
56 operating in this state who is not an original equipment manufacturer,
57 (ii) who diagnoses, maintains or repairs any digital electronic
58 equipment, and (iii) who has not entered into an arrangement with an
59 original equipment manufacturer as described in subparagraph (A) of
60 subdivision (1) of this subsection, and is unaffiliated with any person
61 who has entered into such an arrangement, with respect to the digital
62 electronic equipment being diagnosed, maintained or repaired.

63 (6) "Motor home" has the same meaning as provided in section 14-1
64 of the general statutes.

65 (7) (A) "Motor vehicle" means any vehicle that (i) is designed to
66 transport individuals or property on highways or streets, and (ii) the
67 motor vehicle manufacturer has certified satisfies all applicable state
68 and federal emissions standards, safety standards and other
69 requirements for distribution or sale in the United States.

70 (B) "Motor vehicle" does not include any motor home, motorcycle or
71 recreational vehicle.

72 (8) "Motor vehicle equipment manufacturer" means any legal entity
73 that is engaged in the business of manufacturing or supplying
74 components that are used to maintain, manufacture or repair any motor
75 vehicle.

76 (9) "Motor vehicle manufacturer" means any legal entity that is
77 engaged in the business of assembling or manufacturing new motor
78 vehicles.

79 (10) "Motorcycle" has the same meaning as provided in section 14-1
80 of the general statutes.

81 (11) "New motor vehicle dealer" means any new motor vehicle dealer
82 that (A) is licensed under section 14-52 of the general statutes, and (B)
83 leases or sells motor vehicles, and diagnoses, maintains or repairs motor
84 vehicles, pursuant to a franchise agreement.

85 (12) "Original equipment manufacturer" means any legal entity that
86 (A) manufactures, or has manufactured on such entity's behalf, any new
87 digital electronic equipment or parts of such digital electronic
88 equipment, and (B) is engaged in the business of leasing, selling or
89 otherwise supplying such digital electronic equipment to other persons.

90 (13) "Owner" means any person who owns or leases any digital
91 electronic equipment that was purchased, or is used, in this state.

92 (14) "Part" means any new or used component of any digital
93 electronic equipment that the original equipment manufacturer of such
94 digital electronic equipment makes available, or that is made available
95 to such original equipment manufacturer, to maintain or repair such
96 digital electronic equipment.

97 (15) "Person" means any individual, association, business,
98 corporation, firm, limited liability company, organization, partnership,
99 trust or other legal entity.

100 (16) "Recreational vehicle" has the same meaning as provided in
101 section 14-1 of the general statutes.

102 (17) "Tool" means any hardware implement, software program or
103 other apparatus used to diagnose, maintain or repair any digital
104 electronic equipment, including, but not limited to, any software or
105 other mechanism that calibrates functionality, pairs, programs or
106 provisions any part or performs any other function necessary to return
107 such digital electronic equipment to its fully functional condition.

108 (18) "Trade secret" has the same meaning as provided in 18 USC 1839.

109 (c) (1) (A) Except as provided in subparagraph (B) of this subdivision,
110 each original equipment manufacturer shall make available to
111 independent repair providers and owners, on fair and reasonable terms,
112 documentation, parts and tools for the purpose of enabling independent
113 repair providers and owners to diagnose, maintain and repair the digital
114 electronic equipment and parts that such original equipment
115 manufacturer manufactures, has manufactured on such original
116 equipment manufacturer's behalf, sells or otherwise supplies.

117 (B) Nothing in subparagraph (A) of this subdivision shall be
118 construed to require any original equipment manufacturer to make
119 available any part that is no longer available to such original equipment
120 manufacturer.

121 (2) If any digital electronic equipment contains any electronic security
122 lock or other security related function, the original equipment
123 manufacturer of such digital electronic equipment shall, on fair and
124 reasonable terms, make available to the owner of, and any independent
125 repair provider engaged to diagnose, maintain or repair, such digital
126 electronic equipment, any special documentation, tool or part that is
127 necessary to disable and reset such lock or function.

128 (d) Nothing in this section shall be construed to:

129 (1) Require any original equipment manufacturer to disclose any
130 trade secret to any owner or independent repair provider unless such
131 disclosure is necessary to provide any documentation, part or tool on
132 fair and reasonable terms as required under subsection (c) of this
133 section;

134 (2) Alter the terms of any arrangement described in subparagraph (A)
135 of subdivision (1) of subsection (b) of this section, including, but not
136 limited to, any arrangement between an authorized repair provider and
137 an original equipment manufacturer that calls for the authorized repair
138 provider to perform any repair on behalf of the original equipment
139 manufacturer pursuant to a warranty or following a recall, that is in
140 effect on October 1, 2022, except that any provision in such an

141 arrangement that purports to avoid, limit, restrict or waive the original
142 equipment manufacturer's obligation to comply with the provisions of
143 this section shall be void and unenforceable; or

144 (3) Apply to any person acting in such person's capacity as a motor
145 vehicle equipment manufacturer, motor vehicle manufacturer or new
146 motor vehicle dealer.

147 (e) Any violation of this section by an original equipment
148 manufacturer shall be deemed an unfair or deceptive trade practice
149 under subsection (a) of section 42-110b of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2022	New section
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Statement of Purpose:

To require original equipment manufacturers of digital electronic equipment to provide the owners of such equipment and independent repair providers with an opportunity to diagnose, maintain or repair such equipment on terms that are similar to the terms that original equipment manufacturers provide to authorized repair providers.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]