

## SB 1596 -7, -9 STAFF MEASURE SUMMARY

### Senate Committee On Energy and Environment

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**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 2/8

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#### WHAT THE MEASURE DOES:

The measure requires a manufacturer to make available to an owner or independent repair provider on fair and reasonable terms any documentation, tool, part, or other device or implement that is used to diagnose, maintain, repair, or update certain electronic devices if it is made available to an authorized service provider.

#### Detailed Summary:

Requires an “original equipment manufacturer” (Manufacturer) to make any documentation, tool, part, or other device or implement that is made available to an “authorized service provider” (Authorized Provider) for the purpose of diagnosing, maintaining, repairing, or updating a consumer electronic equipment (Equipment) available to an owner or an independent repair provider (Independent Provider) on fair and reasonable terms.

Requires a Manufacturer to make any documentation, tool, or part necessary to disable and reset any electronic security lock or other security function that is, or must be, disabled or reset while diagnosing, maintaining, or repairing the Equipment available to an owner or Independent Provider on fair and reasonable terms.

Exempts certain products.

Prohibits a Manufacturer from using parts pairing to:

- prevent or inhibit an Independent Provider from installing or enabling function of replacement part or component;
- reduce functionality or performance; or
- cause equipment to display unnecessary alerts or warnings.

Stipulates the requirements do not:

- require a Manufacturer to disclose trade secret or license intellectual property;
- alter the terms of agreement between a Manufacturer and an Authorized Provider;
- impose liability on a Manufacturer; or
- require a Manufacturer to make anything available that would disable or override, without an owner’s authorization, any anti-theft measures set by an owner.

Requires an Authorized Provider and an Independent Provider to post a **notice** with certain information at the place of business, on their website, or directly to customers.

Authorizes the Attorney General (AG) to execute and cause investigative demand to be served on a Manufacturer if the AG determines that a Manufacturer has, or controls, information relevant to an investigation of a violation of requirements of the Act for violations that occur after July 1, 2026. Authorizes the AG to bring a civil action in circuit court to impose a civil penalty of not more than \$1,000 a day, or to obtain an injunction if the AG finds a Manufacturer has violated the requirements of the Act.

Takes effect on the 91st day following adjournment sine die. Stipulates the Act does not apply to cell phones manufactured and first sold in state before July 1, 2021; or consumer electronic equipment, other than a cell phone, that was manufactured and first sold before July 1, 2015.

#### ISSUES DISCUSSED:

**EFFECT OF AMENDMENT:**

- 7 Replaces measure, but maintains majority of Act with exception of:
- Removing requirement that a Manufacturer makes any documentation, tool, or part necessary to disable and reset any electronic security lock or other security function that is, or must be, disabled or reset while diagnosing, maintaining, or repairing the Equipment.
  - Clarifies Act does not require a Manufacturer to make anything available that would disable or override, without an owner's authorization, any privacy measures set by an owner.
  - Stipulates Act does not require Manufacturer to provide any part the Manufacturer no longer makes or provides to Authorized Provider.
  - Clarifies that any trade secret information obtained by the AG under Act is confidential and not subject to disclosure.
  - Requires AG to deposit proceeds from Civil penalties to the Department of Justice Protection and Education Revolving Account.
  - Requires AG to submit report to Interim Legislative Committee concerned with consumer protection on the number and nature of complaints received related to Act.
  - Prohibits AG from executing and causing investigative demand to be served on a Manufacturer if the AG determines that a Manufacturer has, or controls, information relevant to an investigation of a violation of requirements of the Act for violations that occur after July 1, 2027, rather than July 1, 2026.
- 9 Clarifies that AG action is in response to consumer complaint.

**BACKGROUND:**

According to "[Nixing the Fix: An FTC Report to Congress on Repair Restrictions](#)," many consumer products have become difficult to fix and maintain and many repairs require specialized tools, difficult-to-obtain parts, and access to proprietary diagnostic software. When certain home electronics are not functioning properly, the consumer may face the choice of replacing the product or paying for repair services of a business authorized by the original manufacturer to make the repair. In addition, attempting to repair the product at home or through a service not authorized by the original manufacturer may void the product's warranty, and the tools and instructions necessary to make the repair may not be available.