

HB 2698 -6 STAFF MEASURE SUMMARY

House Committee On Business and Labor

Prepared By: Jan Nordlund, LPRO Analyst

Meeting Dates: 3/1, 3/31, 4/7

WHAT THE MEASURE DOES:

Requires original equipment manufacturer of consumer electronic equipment to make available on fair and reasonable terms any part, tool, embedded software, and documentation made available to authorized repair provider. Provides private right of action to person who suffers loss of money or property as a result of original equipment manufacturer's failure to comply with provisions of the Act. Allows person to recover actual damages or statutory damages of \$1,000, whichever is greater, along with attorney fees and court costs. Allows court to punitive damages or may provide appropriate equitable relief. Allows class action. Applies to originated equipment sold or in use on or after the effective date. Takes effect 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-6 (Rep. Sollman) Modifies definitions. Includes "parts" in definition of "consumer electronic equipment." Excludes from definition of "consumer electronic equipment" electric trolley cars, certain systems that generate and store electrical energy from solar radiation, certain energy storage and transmission systems. Exempts from provisions certain items that use, derive power from, supply power to, are components of, or constitute an internal combustion engine, and exempts vehicle with internal combustion engine that operates on a waterway or in a marine environment.

BACKGROUND:

When certain home electronics are not functioning properly, the consumer may face the choice of replacing the product or paying for the repair services of a business authorized by the original manufacturer to make the repair. Attempting to repair the product at home or through a service not authorized by the original manufacturer may void the warranty, and the tools and instructions necessary to make the repair may not be available.

House Bill 2698 requires the original manufacturer of consumer electronic equipment to make parts, tools, embedded software, and documentation available to consumers and independent repair shops on fair and reasonable terms when these same items are available to authorized repair shops.