

February 10, 2025

Re: Support for Right to Repair legislation in Rhode Island H5246, H5159, and H5017

Our Coalition broadly represents the industry of independent repair; including businesses and organizations engaged in all forms of reuse, reconfiguration, resale, repair and recycling of technology-enabled assets.

Right to Repair Philosophy:

Without competition for choosing whom we trust for the service of repair, none of us will truly own our purchases despite having paid in full for the item. Manufacturers are usurping control of products they no longer own, without our permission and for no benefit to us. If we cannot fix our stuff on fair and reasonable terms, we are forced into a cycle of making replacement purchases in lieu of repair.

While the products referenced in these three bills are visibly different, electronics used inside the covers are visibly the same. Fixing the electronics within a tractor, refrigerator, wheelchair or computer is the same process requiring the same basic materials many of which only the OEM can provide. We therefore support all 3 bills because of the commonality of the insides rather than splitting hairs on the shape of the outsides.

The option of repair allows us to keep the products we already own in use until we no longer want them. As owners and not renters, we can sell them to others, donate them for reuse, and harvest them for parts. We will have a choice between going to the “dealership”, patronizing a local technician, or fixing our things ourselves.

The success of recent legislation proves that people do want options to fix their stuff. State legislatures in 49 out of 50 states have already considered “Right to Repair” statutes. Five states (NY, MN, CO, CA, OR) have statutes already in effect covering the same categories of equipment proposed in your three bills. As of this week – more than 20 states have filed bills and begun the legislative process. More are underway.

We now have the benefit of hindsight and can report with confidence that OEMs have not been harmed, consumers have not been made unsafe or insecure, and the sky has not fallen. If opponents have evidence of harm – we want to work through those instances to make for better legislation.

Should you have any questions, please take advantage of the expertise of our members. We are the people that do the work and support the repair needs of customers all over the world.

Regards,

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Legal Principles Behind Right to Repair

When we buy things, they are ours to use, customize, resell or even neglect because we own them. Repair is one of the “bundle of rights” we expect when we purchase, rather than rent, our things.

Laws governing ownership of tangible personal property (“stuff”) tell us we have the big “R” Right to control how we use our purchases. General business laws in Rhode Island tell us manufacturers should not be selling us stuff on unfair and deceptive terms. Antitrust laws tell us manufacturers are not supposed to be tying the provision of repair as a service to the original purchase. The FTC Act tells us that warranties are not voided automatically when non-OEM original parts or non-OEM labor is used.

All of the above existing laws are enforceable by States Attorneys General and do not require any federal intervention.

There is no risk to IP in the repair process.

The business of repair is very simple – even where the products needing a repair service are complex. Fixing things involves only finding out which physical part has failed, installing a replacement part (aka “spare part”) and making sure that the repair is complete.

- All the copyrighted software that was delivered with the machine is still protected by copyright law. If any copyrighted materials need to be reloaded – it is legal to restore it under copyright law. Restoration is not modification or illegal hacking.
- Patents are not infringed when buying a spare part, or by deploying a used part or installing a 3rd party part. Counterfeit products remain illegal.
- Manufacturers do not, and should not, share any Trade Secrets in their repair materials, as they would lose the protections of the Federal Uniform Trade Secrets Act.
- Products which deploy digital locks remain subject to Copyright law. Current exemptions from the US Copyright Office include most common products other than gaming consoles. State legislatures cannot preempt these federal laws.

Owners are responsible for their own safety, security, and data.

- Safety: Manufacturers carefully disclaim responsibility for all accidents of use in their standard documentation in paragraphs commonly titled “Limitations of Liability”. These disclaimers include making sure they cannot be held responsible for death, dismemberment, lost profits, lost crops and everything up to the limits set in state law.
- Personal Injury: Manufacturers are charged with providing products that are safe to use as intended. Repair is a form of use. If a product is unsafe to repair, that product is therefore unsafe to use and should be recalled or removed from sale. Personal injury law is not altered by “Right to Repair”.
- Cyber Security: Manufacturers build cybersecurity features into their product design (or not) along with controlling how products can be repaired (or not). Products that are secure to use do

not lose secure features by virtue of repair information. Product repair materials should never include any cyber secret features, as such secrets would not remain secrets once distributed.

- Data Security: The ugly truth is that equipment owners have to pay attention to how they store personal data. Data protection problems are not unique to repair services as nearly everything connected to the internet is a potential data source, including our automobiles, televisions, home appliances and IOT devices. Repair technicians do not have access to personal data if the data is securely stored. Most data theft is done through active internet connections on equipment which is not under repair.

Follow-on impacts from passing “Right to Repair” legislation.

Everyone benefits from competition for repair services even if an individual owner prefers to choose manufacturer options.

- Consumers, including business, education, government and industry, will likely benefit from the presence of competition for repair services. In the auto industry the price difference between dealership repair and independent repair is typically 30%.
- Business and industry will be able to “sweat their assets” without being forced into costly premature replacements. Cash saved can be deployed for more investment in new products, more employees, and higher growth.
- Common local repair businesses that disappeared from our towns will come back as access to repair materials is improved. These repair jobs feed families and provide important services that make all our communities more vibrant and viable.
- Essential services will be more resilient in the face of disasters. Repairing things is critical to our ability to survive major disruptions, such as supply chain problems we experienced during COVID.
- The unit volume of e-waste entering the solid waste system will likely decline. Repairing things is one of the few clearly effective ways to keep things in use and out of the waste stream. Waste processing is expensive for municipal budgets and recycling of electronics remains largely ineffective.
- Communities that are poorly served for technology (aka the “Digital Divide”) will have improved access to acquisition of refurbished tech which is otherwise discarded, such as items that could be donated.