



February 3, 2021

Delores G. Kelley, Chair
Maryland Senate Finance Committee
Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland, 21401

Re: SB 412, FAVORABLE

Dear Chair Kelley,

Consumer Reports¹ supports the effort to better ensure that consumers have the choice to fix their own electronic equipment, if they can, or to have it fixed by a repair servicer of their choosing, including servicers independent of the manufacturer. Our organization has long supported this “right to repair,” including by developing a model act to help guide state legislators.² And we have also incorporated this principle into the Digital Standard, a set of best practices that we use to evaluate the privacy and security of software, digital platforms and services, and internet-connected products, as well as to help influence the design of these products.³ It is important to safeguard and maintain consumers’ ability to exercise their full rights of ownership over the products they purchase, including the right to repair them, and the right to resell them, even as technology evolves.⁴

Unfortunately, it’s often difficult for consumers to make simple repairs on their expensive devices – even simple repairs such as changing a smartphone battery or replacing a

¹ Consumer Reports is an independent, nonprofit member organization that works side by side with consumers for truth, transparency, and fairness in the marketplace. We use our rigorous research, consumer insights, journalism, and policy expertise to inform purchase decisions, improve the products and services that businesses deliver, and drive regulatory and fair competitive practices.

² *Right to Repair Model State Law*, CONSUMER REPORTS (updated December 2, 2020), <https://advocacy.consumerreports.org/research/right-to-repair-model-state-law/>.

³ The Digital Standard, <https://www.thedigitalstandard.org/>.

⁴ E.g., Comments of Consumers Union to U.S. Copyright Office, Software-Enabled Consumer Products Study (March 18, 2016), <http://consumersunion.org/research/comments-to-the-u-s-copyright-office-regarding-software-enabled-consumer-products/>.

cracked screen.⁵ Not only are electronics frequently designed in a way to intentionally prevent easy repair, but manufacturers are clamping down on access to the diagnostic information, and repair tools, and replacement parts needed to fix consumer electronic products. Some manufacturers even put digital locks and disabling tripwires on devices to block third-party repair. These tactics force consumers to rely on the manufacturer, or the manufacturer's chosen servicer, to fix these products. The manufacturer is then free to charge whatever it wishes, or even to refuse to repair the product and force the consumer to throw it away and buy a new product.

We applaud you for your leadership in considering this important bill. We look forward to working with you and others to secure an effective right to repair for consumers.

Sincerely,

Maureen Mahoney
Policy Analyst

George Slover
Senior Policy Counsel

cc: Members, Finance Committee

⁵ Bree Fowler, *iPhone Slowing Down? It Might be Time to Replace Your Battery*, CONSUMER REPORTS (Dec. 28, 2017), <https://www.consumerreports.org/smartphones/iphone-slowing-down-it-might-be-time-to-replace-your-battery/>; Becky Worley and Sarah Messer, *Cracked iPhone Screen Help Guide: How 5 Repair Options Stack Up*, ABCNews.com (May 1, 2017), <http://abcnews.go.com/Business/cracked-iphone-screen-guide-repair-options-stack/story?id=47089610>.