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Carroll and Howard Counties

Education, Health, and
Environmental Affairs Committee

Chair, Joint Committee on
Cybersecurity, Information Technology
and Biotechnology



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 3rd, 2021

Testimony in Support of SB412 - Consumer Protection - Right to Repair

Chair Kelley, Vice Chair Feldman, members of the Senate Finance Committee:

Thank you for your consideration of SB412. If you've bought a car, smartphone, or almost any other product with electronic components in the recent past, you are probably aware of just how complicated our technology has become. Even simple repairs require specialized diagnostic tools, manuals, replacement parts and equipment. Increasingly, electronics manufacturers are using this reality of our evolving technology to block access to repair, making it difficult or impossible for consumers to fix their own products, and allowing the manufacturer to maintain a de facto monopoly on repairs. When only the manufacturer or their "authorized technician" can fix a product, they can charge whatever they want or push you into buying a new device. These practices result in increased environmental waste and a less competitive repair market place.

This bill addresses those problems by requiring original equipment manufacturers to provide independent repair providers with documentation, tools, or other information necessary to repair a product at a fair price. This would increase the longevity of equipment that all of us use, and prevent equipment manufacturers from shutting repair providers out of the marketplace. This legislation is modeled after a Massachusetts law passed by ballot initiative in 2012 to require that vehicle owners and independent repair facilities have access to adequate vehicle diagnostic and repair information. After that law went into effect, car manufacturers and independent repair shops voluntarily entered a national agreement in line with the Massachusetts law. Essentially, this means this policy has been in effect in Maryland since 2014 for the auto industry to the benefit of Maryland consumers and businesses. This bill intends to apply that same model to consumer electronics and equipment, extending the right to repair to a broader range of products. I will note that some members of the industry are voluntarily moving in this direction, but others are lagging behind. This legislation keeps industry moving at a steady pace towards these goals for the benefit of all our constituents.

As you will see in the accompanying testimony, this legislation touches a wide array of products, consumers, and marketplaces. Just this past year, [reporting in Business Insider](#) demonstrated how the allowance of manufacturer repair monopolies frustrated hospital staff, drove up the cost of healthcare equipment maintenance, and have slowed the repair of ventilators during the COVID-19 pandemic. Included in the committee's testimony are examples from independent technicians who have struggled to get the resources necessary to repair everyday consumer electronic devices, and farmers who have been unable to repair their agricultural equipment because of a lack of willingness on the part of manufacturers to share those tools. You will also see in testimony submitted by the Office of the Attorney General Consumer Protection Division that the oppositions' objections on the grounds that this bill would cause harm to intellectual property rights of manufacturers, warranty agreements, consumer privacy, and overall security are "without foundation." By passing this legislation, we can make the consumption of manufactured goods more sustainable, the ability to repair more accessible, and the repair market as a whole more competitive. On behalf of Maryland's consumers and citizens, **I respectfully urge a favorable report for SB412.**

Sincerely,

A handwritten signature in black ink that reads "Katie Fry Hester". The signature is written in a cursive, flowing style.

Senator Katie Fry Hester
Carroll and Howard Counties