

HB 31 – RIGHT TO REPAIR WHEELCHAIRS

SPONSOR TESTIMONY: DELEGATE AARON KAUFMAN

HOUSE ECONOMIC MATTERS COMMITTEE – TUESDAY, JANUARY 21, 2025

Hello Chair Wilson and members of the Economic Matters Committee. My name is Delegate Aaron Kaufman, District 18, Montgomery County. I am asking for your favorable report on HB 31 – Right to Repair Wheelchairs. There is precedent for the bill as Delegate Kevin Hornberger has introduced similar legislation in the past about the “Right to Repair” tractors and farm equipment. Delegate Hornberger has asked to be added as a co-sponsor to this bill, as he is passionate about this issue.

Power wheelchairs today are embedded with computers and often require special tools. Manufacturers will not share the necessary software and codes or provided tools to independent wheelchair repair shops. As a result, individuals must find manufacturers’ authorized repair shops for repairs or send the chairs back to the manufacturer, all causing unnecessary expenses and require the wheelchair user to be without their wheelchairs for extended periods of time curtailing their ability to go to work, doctors’ appointments and participate in the community.

This bill will prevent manufacturers from exercising a monopoly on repairs and in doing so will alleviate expenses, time delays for wheelchair users being without their chairs and help independent repair businesses.

This issue is very personal for me. My late brother Jay was in a wheelchair his entire life due to his cerebral palsy and being a quadriplegic. When we were kids my grandmother was being honored by the Israeli Embassy in Washington, DC. We all planned on attending the event. My brother's wheelchair broke several days before the ceremony and it could not be repaired in time for the ceremony because his independent repair shop could not get the necessary tools from the manufacturer, thus he could not go to DC to attend her ceremony. The day after the ceremony, my grandmother went to Israel to attend a wedding, and while she was there, she was killed in a car accident. As a result of the delay in repairing his wheelchair my brother missed his last chance to see her alive.

The "right to repair" bill is modeled after legislation based in Colorado in 2022. This bill would require a manufacturer to provide parts, embedded software, firmware or documentation to independent wheelchair repair providers and owner's of manufacturers powered wheelchairs to allow an independent provider to conduct diagnostic, maintenance or repair services on the owner's powered wheelchair. A manufacturer's failure to comply with the requirement would be considered a deceptive trade practice.

When a person has to rely on a powered wheelchair to get around, get to their jobs, take care of their families, buy groceries and attend to their loved ones -any delay in repairs is a quality of life issue and a matter of life and death. Also, if a person does not have their wheelchair to get around this leads to isolation and inhibits the ability of people with mobility impairments to achieve maximum independence. More often than not a person's wheel chair has been customized for them so they cannot just get a loaner. This is similar that if it would take a month or more to have your car repaired, and you cannot rent another car or borrow a car from a friend, it is a detriment to you and your family. Delays in repairs and faulty service has also been connected to injuries, hospitalizations and even death.

In a report published by the US Public Interest Research Group (PIRG), they report that there are 3 million plus wheelchair users in the United States. US PIRG conducted a survey of wheelchair users, and 62 percent of the respondents said it took four or more weeks to repair wheelchairs. 40% of respondents said it took 7 or more weeks to get their chairs repaired. In the same report, 93% of persons said that they have needed service on their chairs in the past year.

The Colorado "Right to Repair" bill that passed, requires manufacturers of powered wheelchairs to make parts, documentation and service tools available to wheelchair owners and independent repair technician so persons can get their wheelchairs repaired by local technicians instead of having to send their chair to the large manufacturing company. This

law makes life better for wheelchair owners by making it easier to have wheelchairs serviced and repaired.

Currently, wheelchair users face long wait times for repairs that affect their mobility, their livelihood and their financial well-being. People deserve to have prompt repair, high quality service and repairs completed at affordable prices. Wheelchair users have found that the price in delay of repairs is very high – especially with persons experiencing physical injuries, impaired mobility and lost productivity. If repairs are delayed and/or done incorrectly, wheelchair users can develop pressure sores or respiratory illness that can lead to hospitalization, or worse. Some repairs to wheelchairs do not require specialized skills or training and could be undertaken by family members or friends but they cannot get the tools or codes necessary to make the repairs. Power wheelchair users are running up against manufacturer-imposed software locks and restrictions that give the **manufacturers** the control over who is allowed to service and configure the power wheelchairs which restricts the chair owner from creating their own settings and configuring the chair to suit their needs and comforts.

This bill is needed so people can be given the tools and resources so they can repair their own products, thus giving them more independence and decreasing the wait times for repair through a larger manufacturer. Wheelchair users also need to be liberated from a burdensome and inefficient repair and service market.

Again, I ask for your favorable report on HB 31 – the Right to Repair Wheelchairs. I also want to make the committee aware that the fiscal note for this bill shows that this issue does not require any state dollars attached to this cause! This bill is being co-sponsored with me by Delegate Kevin Hornberger, thus creating bi-partisan support for this bill. Thank you very much for your time and attention.