

HB 31 – RIGHT TO REPAIR WHEELCHAIRS

SPONSOR TESTIMONY: DELEGATE AARON KAUFMAN

For the Senate Finance Committee

Hello Chair Beidle, Vice Chair Hayes and esteemed colleagues. My name is Delegate Aaron Kaufman, District 18, Montgomery County. I am asking for your favorable report on HB 31/SB 382 – Right to Repair Wheelchairs. There is precedent for the bill as Delegate Kevin Hornberger has introduced legislation in the past about the “Right to Repair” tractors and farm equipment. I am submitting this testimony and cross-filing this bill with Senator Cheryl Kaga.

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. My brother’s wheelchair broke the day before the ceremony and could not be repaired in time, 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. Therefore 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 manufactured

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 is 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. 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. For wheelchair users in the United States, the rules and the marketplace are stacked against them, and against repair.

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. This same report also states that payers have created roadblocks by adding "prior authorization" requirements for repairs, and/or requiring people

to have a doctors visit which adds days or weeks of unnecessary time before a person can have their wheelchair repaired. This puts burdens on individuals and/or their families – they have to choose to work through the insurance process and wait for a decision from the insurance company or pay for parts and labor out of their pockets, which is costly and financially cumbersome.

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.

Most repairs to wheelchairs do not require specialized skills or training, just a familiarity with how to repair mechanical devices – and family members or friends can do the repairs, but that does not ensure that the wheelchairs will be repaired correctly. 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/SB 382 – 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 in the House thus creating bipartisan support for this bill.