

SENATE No. 2630

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

SENATE, July 25, 2018

The committee on Rules to whom was referred the Senate Resolve relative to the digital right to repair (Senate, No. 2430),-- reports, that the matter be placed on the orders of the Day for the next session, with an amendment substituting a new draft with the same title (Senate, No. 2630).

For the committee,
Mark C. Montigny

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Resolve relative to the digital right to repair.

Resolved, Notwithstanding any general or special law to the contrary, there shall be a special commission to research and make recommendations to the legislature on the feasibility of requiring manufacturers of digital electronic products to make available to independent repair facilities or owners of products manufactured by the manufacturer parts and tools on fair and reasonable terms and diagnostic and repair information, including repair technical updates, diagnostic software, service access passwords, updates and corrections to firmware, and related documentation, free of charge and in the same manner the manufacturer makes available to its authorized repair providers. The commission shall not research issues related to motor vehicles.

The commission shall consist of 23 members and shall be comprised of: the director of the office of consumer affairs & business regulation, or a designee, who shall serve as chair; the house chair of the joint committee on consumer protection & professional licensure, or a designee; the senate chair of the joint committee on consumer protection & professional licensure, or a designee; 1 member of the senate to be appointed by the senate minority leader; 1 member of the house of representatives appointed by the house minority leader; the executive director of the Mass Tech Collaborative, or a designee; the commissioner of the department of public health, or a designee; the Attorney General, or a designee; the president of the Massachusetts farm bureau, or a designee; and 14 members to be appointed by the Governor, 1 of whom shall be a representative of MASSPIRG, 1 of whom shall be a representative of a Massachusetts based medical device original equipment manufacturer of Class 3 medical devices, 1 of whom shall be a representative of a Massachusetts based medical device original equipment manufacturer of Class 2 medical devices, 1 of whom shall be an expert on electronic waste recycling, 1 of whom shall be a clinical engineer with expertise in the repair of complex medical equipment, 1 of whom shall be a representative of an authorized repair provider of consumer electronics, 1 of whom shall be a representative from an authorized repair provider of mobile smartphones, 1 of whom shall be an expert in consumer equipment repair who is not an authorized repair provider, 1 of whom shall be an expert in business equipment repair who is not an authorized repair provider, 1 of whom shall be a consumer with a disability who relies upon durable medical equipment for daily life, 1 of whom shall be an attorney who specializes in intellectual property law, and 1 of whom shall be an expert in cyber security, 1 of whom shall be a farmer with a farm located in Massachusetts, and 1 of whom shall be an academic with a background in trade secrets. To take action at a meeting, a majority of the members of the board present and voting shall constitute a quorum.

The chair may appoint subcommittees in order to expedite the work of the commission, provided, however, that the chair shall appoint: (i) a subcommittee on medical devices, which may include recommendations regarding the differences between classes of devices with regard to repair; (ii) a subcommittee on mobile smartphones and consumer electronics, which may include recommendations regarding the differences between repair of hardware, software, and firmware; and (iii) a subcommittee on farm equipment.

The commission shall meet at least monthly, or as frequently as the chair recommends. The commission shall monitor the implementation of its recommendations and update recommendations to reflect current research, technology, and infrastructure.

The commission shall file a report of its recommendations and proposed legislation or regulatory changes, if any, with the clerks of the House and Senate and the Chairs of the Joint Committee on Consumer Protection & Professional Licensure within 6 months of the effective date of this act.