

SENATE No. 2430

The Commonwealth of Massachusetts

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

SENATE, Tuesday, April 17, 2018

The committee on Consumer Protection and Professional Licensure, to whom was referred the petition (accompanied by bill, Senate, No. 96) of Michael D. Brady, Thomas J. Calter, James E. Timilty, Walter F. Timilty and other members of the General Court for legislation relative to the digital right to repair; and (accompanied by bill, House, No. 143) of Claire D. Cronin and others for legislation to establish fair and reasonable terms for providing diagnostic, service or repair information and services for digital electronic products,- reports the accompanying resolve (Senate, No. 2430).

For the committee,
Barbara A. L'Italien

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Resolve relative to the digital right to repair.

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

9 The commission shall consist of 23 members and shall be comprised of: the director of
10 the office of consumer affairs & business regulation, or a designee, who shall serve as chair; the
11 house chair of the joint committee on consumer protection & professional licensure, or a
12 designee; the senate chair of the joint committee on consumer protection & professional
13 licensure, or a designee; 1 member of the senate to be appointed by the senate minority leader; 1
14 member of the house of representatives appointed by the house minority leader; the executive
15 director of the Mass Tech Collaborative, or a designee; the commissioner of the department of

16 public health, or a designee; the Attorney General, or a designee; the president of the
17 Massachusetts farm bureau, or a designee; and 14 members to be appointed by the Governor, 1
18 of whom shall be a representative of MASSPIRG, 1 of whom shall be a representative of a
19 Massachusetts based medical device original equipment manufacturer of Class 3 medical
20 devices, 1 of whom shall be a representative of a Massachusetts based medical device original
21 equipment manufacturer of Class 2 medical devices, 1 of whom shall be an expert on electronic
22 waste recycling, 1 of whom shall be a clinical engineer with expertise in the repair of complex
23 medical equipment, 1 of whom shall be a representative of an authorized repair provider of
24 consumer electronics, 1 of whom shall be a representative from an authorized repair provider of
25 mobile smartphones, 1 of whom shall be an expert in consumer equipment repair who is not an
26 authorized repair provider, 1 of whom shall be an expert in business equipment repair who is not
27 an authorized repair provider, 1 of whom shall be a consumer with a disability who relies upon
28 durable medical equipment for daily life, 1 of whom shall be an attorney who specializes in
29 intellectual property law, and 1 of whom shall be an expert in cyber security, 1 of whom shall be
30 a farmer with a farm located in Massachusetts, and 1 of whom shall be an academic with a
31 background in trade secrets. To take action at a meeting, a majority of the members of the board
32 present and voting shall constitute a quorum.

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

39 The commission shall meet at least monthly, or as frequently as the chair recommends.

40 The commission shall monitor the implementation of its recommendations and update

41 recommendations to reflect current research, technology, and infrastructure.

42 The commission shall file a report of its recommendations and proposed legislation or

43 regulatory changes, if any, with the clerks of the House and Senate and the Chairs of the Joint

44 Committee on Consumer Protection & Professional Licensure not later than November 30, 2018.