

146th CONGRESS

## S.1

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### IN THE 146th CONGRESS OF THE UNITED STATES

October 12th, 2021

Introduced by Senator Dillinger (for himself, Mr. Joey, Mrs. Harris, Mrs. Turnbull,)

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## A Bill

To federally protect the rights of consumers to diagnose, service, maintain, and repair electronic equipment; requires original equipment manufacturers to make equipment available to independent repair providers under fair and reasonable terms.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. Short Title.**

This Act may be cited as the “Federal Right to Repair Act of 2021”.

#### **SECTION 2. Definitions.**

1. **"Equipment"** means digital electronic equipment or a part for such equipment originally manufactured for distribution and sale in the United States.
2. **"Firmware"** means a software program or set of instructions programmed on a hardware device to allow the device to communicate with other computer hardware.
3. **"Independent Repair Provider"** means a person or business operating in the United States who is not affiliated with an original equipment manufacturer or an original equipment manufacturer's authorized repair provider and who is engaged in the diagnosis, service, maintenance, or repair of electronic equipment.

4. **"Service Parts"** means any replacement parts, either new or used, made available by the original equipment manufacturer to the authorized repair provider for the purposes of effecting repair.

### **SECTION 3. Ensuring the Right to Repair Electronics.**

1. Require technology manufactures and companies to make repair parts and assembly instructions readily available to independent repair providers or owners of equipment manufactured by such original equipment manufacturer the same diagnostic and repair information, including repair technical updates, schematic diagrams, updates, corrections to embedded software and safety and security patches timely, and for no charge or for the same charge and in the same format such original equipment manufacturer makes available to its authorized repair provider and subcontract repair or refurbishment facilities.
2. Require technology manufactures and companies to make repair parts and assembly instructions available for purchase by the owner, his or her authorized agent, or independent repair provider, equipment or service parts, inclusive of any updates to the embedded software of the equipment or parts, upon fair and reasonable terms.
3. Each original equipment manufacturer shall offer such tools for sale to owners and independent repair providers upon fair and reasonable terms. Each original equipment manufacturer that provides diagnostic repair documentation to aftermarket diagnostic tools, diagnostic, or third party service information publications and systems shall have fully satisfied its obligations under this section and thereafter not be responsible for the content and functionality of such aftermarket diagnostic tools, diagnostics, or service information systems.

### **SECTION 4. Repeals.**

1. The provisions of this Act shall for all intents and purposes be considered exempt from 17 U.S. Code § 1201.
2. Any legislation or set provisions conflicting with this Act shall be considered null and voided upon its enactment.

**SECTION 5. Enactment.**

1. This bill shall go into effect immediately upon it's signage.