
HOUSE BILL 1801

State of Washington

67th Legislature

2022 Regular Session

By Representatives Gregerson, Ryu, Fitzgibbon, Berry, Cody, Macri, Peterson, Ramel, Wylie, Bergquist, Valdez, Pollet, Stonier, Ormsby, Harris-Talley, and Kloba

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1 AN ACT Relating to the repair of digital electronic equipment;
2 adding a new chapter to Title 19 RCW; prescribing penalties; and
3 providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that digital
6 electronic equipment is often designed to be unrepairable by end
7 users and independent repair shops, or repairable only at great
8 expense. The legislature further finds that such design choices by
9 original equipment manufacturers: Encourage consumers to purchase new
10 devices instead of maintaining current devices; generate harmful
11 electronic waste that clutters homes and landfills; damage the
12 environment; waste finite resources that are essential to the
13 manufacturing and functioning of digital electronic equipment; and
14 impose an inequitable burden on individuals and groups that cannot
15 readily afford to routinely replace expensive digital electronic
16 equipment that has become an increasingly essential predicate to full
17 participation in society. The legislature further finds that most
18 digital electronic equipment is not currently marketed and sold with
19 clear information on repairability, and thus consumers lack essential
20 information they need when deciding whether to purchase digital
21 electronic equipment. The legislature further finds that increased

1 access to repairable digital electronic equipment will empower
2 consumers, reduce electronic waste, reduce the costs of owning
3 digital electronic equipment over time, and reduce inequities in
4 access to digital electronic equipment.

5 Therefore, the legislature intends to require original equipment
6 manufacturers of digital electronic equipment to assign a
7 repairability score to all digital electronic equipment, and to
8 clearly label all digital electronic equipment with its repairability
9 score and other information that will assist consumers in identifying
10 and purchasing repairable digital electronic equipment. The
11 legislature further intends to require certain high volume sellers of
12 digital electronic equipment to include the original equipment
13 manufacturers' repairability scores and information in internet
14 listings for digital electronic equipment. The legislature further
15 intends to empower the department to develop and enforce standards
16 for digital electronic equipment repairability scores. The
17 legislature further intends to supplement the department's regulatory
18 authority by providing the state and consumers with additional
19 options for enforcing the requirements of this act through the
20 consumer protection act, chapter 19.86 RCW. The legislature further
21 intends to establish a commission on digital electronic equipment
22 repairability to prepare reports and recommendations to the
23 legislature related to developing local repairability standards that
24 are compatible with emerging national and global repairability
25 standards.

26 NEW SECTION. **Sec. 2.** The definitions in this section apply
27 throughout this chapter unless the context clearly requires
28 otherwise.

29 (1) "Department" means the department of commerce.

30 (2) "Digital electronic equipment" means a product that depends,
31 for its functioning, in whole or in part, on digital electronics
32 embedded in or attached to the product.

33 (3) "Original equipment manufacturer" means a company that
34 manufactures or contracts another company to manufacture digital
35 electronic equipment.

36 (4) "Part" means a replacement part, either new or used, made
37 available by an original equipment manufacturer for purposes of
38 effecting the services of maintenance or repair of digital electronic

1 equipment manufactured or sold by the original equipment
2 manufacturer.

3 NEW SECTION. **Sec. 3.** (1) A commission on digital electronic
4 equipment repairability is established. The purpose of the commission
5 is to: (a) Study, analyze, and prepare reports on the status and
6 development of local, national, and global repairability standards
7 for digital electronic equipment; and (b) provide recommendations to
8 the legislature regarding the creation, implementation, management,
9 and enforcement of repairability standards for digital electronic
10 equipment in Washington state.

11 (2) The members of the commission are as provided in this
12 subsection.

13 (a) The president of the senate shall appoint one member from
14 each of the two largest caucuses of the senate.

15 (b) The speaker of the house of representatives shall appoint one
16 member from each of the two largest caucuses of the house of
17 representatives.

18 (c) The president of the senate and the speaker of the house of
19 representatives shall jointly appoint one member from each of the
20 following:

21 (i) The department;

22 (ii) The department of ecology;

23 (iii) The office of the attorney general;

24 (iv) An advocacy group focused on sustainability of digital
25 electronic equipment;

26 (v) An organization representing the interests of local
27 technology companies;

28 (vi) A distributor or marketplace platform for digital electronic
29 equipment; and

30 (vii) An original equipment manufacturer.

31 (3) In addition to the members appointed to the commission under
32 subsection (2) of this section, individuals representing other
33 communities and organizations may be invited by the chair of the
34 commission, in consultation with the other appointed members of the
35 commission, to participate in an advisory capacity in meetings of the
36 commission.

37 (a) Individuals participating in an advisory capacity under this
38 subsection are not members of the commission, may not vote, and are
39 not subject to the appointment process established in this section.

1 (b) There is no limit to the number of individuals who may
2 participate in commission meetings in an advisory capacity under this
3 subsection.

4 (c) A majority of the commission members constitutes a quorum. If
5 a member has not been designated for a position set forth in this
6 section, that position may not be counted for the purpose of
7 determining a quorum.

8 (4) The commission shall hold its first meeting by July 1, 2023.
9 The commission shall elect a chair from among its legislative members
10 at the first meeting. The election of the chair must be by a majority
11 vote of the commission members who are present at the meeting. The
12 chair of the commission is responsible for arranging subsequent
13 meetings, developing meeting agendas, and shall appoint one or more
14 qualified attorneys to serve as commission counsel. The chair or
15 their designee shall have full authority to administer oaths and take
16 testimony thereunder on any subject relevant to the commission's
17 duties.

18 (5) Commission counsel shall provide legal advice and analysis to
19 all commission members. Any individual serving as commission counsel
20 must be a licensed attorney familiar with Washington and federal
21 jurisprudence, laws, and constitutional provisions governing
22 discrimination and equal protection. Commission counsel's work
23 product and attorney-client communications with commission members
24 are privileged against discovery and use in civil litigation and
25 exempt from disclosure under the public records act, chapter 42.56
26 RCW. A majority of the commission members may vote to waive the
27 foregoing privilege or exemption for any specific document or
28 communication, but no individual member may unilaterally waive the
29 privilege or exemption.

30 (6) Staff support for the commission, including arranging the
31 first meeting of the commission and assisting the chair of the
32 commission in arranging subsequent meetings, shall be provided by the
33 department. After the commission holds its first meeting, the
34 department shall provide the chair with the names of one or more
35 experienced qualified attorneys who are willing and able to serve as
36 commission counsel.

37 (7) Legislative members of the commission may be reimbursed for
38 travel expenses in accordance with RCW 44.04.120. Nonlegislative
39 members are not entitled to be reimbursed for travel expenses if they
40 are elected officials or are participating on behalf of an employer,

1 governmental entity, or other organization. Any reimbursement for
2 other nonlegislative members is subject to chapter 43.03 RCW.

3 (8) The commission is a class one group under chapter 43.03 RCW.

4 (9) A public comment period must be provided at every meeting of
5 the commission.

6 (10) Beginning in 2024, and every other year thereafter, the
7 commission shall submit to the legislature a report on the status and
8 development of local, national, and global repairability standards
9 for digital electronic equipment, and provide recommendations to the
10 legislature regarding the creation, implementation, management, and
11 enforcement of repairability standards for digital electronic
12 equipment in Washington state, with a focus on achieving
13 compatibility with emerging national and global repairability
14 standards. The commission's first report and recommendations must be
15 submitted to the legislature by October 1, 2024. Subsequent reports
16 and recommendations must be submitted to the legislature by October
17 1st of every other year thereafter.

18 (11) A majority of the commission members may vote to issue a
19 subpoena to obtain documents or testimony from any entity or
20 individual for the purpose of gathering information that will assist
21 the commission in the execution of its duties. Any subpoena issued by
22 the commission shall be statewide in effect. If an individual fails
23 to obey the subpoena, or obeys the subpoena but refuses to produce
24 documents or provide testimony concerning any matter under
25 examination or investigation, a majority of the commission members
26 may vote to refer the matter to the office of the attorney general
27 for enforcement. If the commission refers a subpoena to the office of
28 the attorney general, the attorney general or their designee shall
29 file a written report thereof and proof of service of the subpoena,
30 in any court of competent jurisdiction in the county where the
31 examination, hearing, or investigation is being conducted. Thereupon,
32 the court shall forthwith cause the individual to be brought before
33 it and, upon being satisfied that the subpoena is within the
34 jurisdiction of the commission and otherwise in accordance with law,
35 shall punish him or her as if the failure or refusal related to a
36 subpoena from or testimony in that court.

37 NEW SECTION. **Sec. 4.** Original equipment manufacturers must
38 comply with the following requirements:

(1) For digital electronic equipment sold or used in this state, original equipment manufacturers shall make available, for the purposes of diagnosis and consumer information, a repairability score for the categories listed under subsection (2) of this section. The average repairability score required under subsection (3) of this section shall be placed on a label on the digital electronic equipment packaging by sticker or other printing, in one of the two following formats:

REPAIRABILITY SCORE ____ / 10	REPAIRABILITY SCORE: ____ / 10
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The repairability score label shall appear on the front and rear panels of the container or package containing the digital electronic equipment. The repairability score label's text shall appear in capital letters in conspicuous and legible type, and the text shall be black on a white background or white on a black background. Quick response codes, other codes, or a web address may be used to guide a consumer to the full repairability information available on the manufacturer's or department's publicly accessible website as required under section 3 of this act.

(2) The original equipment manufacturer shall provide a numeric score for each of the following criteria for the digital electronic equipment. Subject to any requirements established by the department, the repairability score shall range from one, least repairable, to 10, most repairable, and shall be based on the ability to conduct maintenance or repair on digital electronic equipment manufactured by, on behalf of, or sold by, the original equipment manufacturer:

(a) Duration and availability of technical documents and related advice on the use and maintenance of the digital electronic equipment;

(b) Ease of dismantling, tools required, and other characteristics of the fasteners used or other parts;

(c) Original equipment manufacturer's estimation of the duration of parts for the digital electronic equipment;

(d) The amount of time the original equipment manufacturer plans on manufacturing replacement parts for the digital electronic equipment;

(e) Price ratio of replacement parts to the price of new equipment;

(f) Potential to recycle or dispose of the digital electronic equipment;

(g) Expertise required to safely effect the repair; and

(h) Any other information deemed necessary by the department.

(3) The original equipment manufacturer shall compile the average repairability score. The average repairability score shall be the average of each score criterion under subsection (2) of this section.

(4) The original equipment manufacturer shall include the following information with the repairability scores:

(a) Details of the digital electronic equipment:

(i) Model number;

(ii) Manufacturer's suggested retail price;

(b) Information on the nature of software updates provided by the original equipment manufacturer;

(c) Potential for a factory reset of the digital electronic equipment;

(d) Whether or not remote assistance is available from the original equipment manufacturer and the price charged for providing assistance; and

(e) Other information deemed necessary by the department.

(5) Any person or entity that sold 1,000 or more digital electronic equipment products in the prior calendar year, and which lists digital electronic equipment for sale in this state on a website, shall include in the website listing the original equipment manufacturer's repairability score and all other information required by subsections (1) and (4) of this section. The repairability score shall be prominently featured in the listing in one of the two following formats:

REPAIRABILITY SCORE ____/10	REPAIRABILITY SCORE: ____/10
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The repairability score's text shall appear in capital letters in conspicuous and legible type, and the text shall be black on a white background or white on a black background. The repairability score shall not be placed behind a link, drop-down, toggle, or any other feature that requires a consumer's interaction or the passage of time before it is made visible. Quick response codes, other codes, or a web address may be used to guide a consumer to the full repairability

1 information available on the manufacturer's or department's publicly
2 accessible website as required under section 3 of this act.

3 NEW SECTION. **Sec. 5.** Ninety days prior to selling digital
4 electronic equipment in this state, an original equipment
5 manufacturer must submit to the department the following information
6 for the digital electronic equipment:

7 (1) The numeric score for each criterion listed in section 4(2)
8 of this act and the repairability score that will be listed on the
9 equipment's repairability score label;

10 (2) Reasons given for how the equipment meets the scores chosen;
11 and

12 (3) All other information required under section 4 of this act.

13 The department shall post this information on its publicly
14 accessible website. The department may publish its own comments
15 alongside the information and scores provided by the original
16 equipment manufacturer if it determines the original equipment
17 manufacturer's information or scores are materially incomplete,
18 inaccurate, unsupported, or misleading. Before publishing any
19 comments regarding an original equipment manufacturer's submission,
20 the department shall attempt to notify the original equipment
21 manufacturer of any problems in the original equipment manufacturer's
22 submission and afford the original equipment manufacturer up to 30
23 days to amend its submission.

24 The department may make reasonable rules for effectuating any
25 provision of this act. The department shall establish specific
26 standards for digital electronic equipment and its original equipment
27 manufacturer must meet them for each criterion identified in section
28 4(2) of this act before the original equipment manufacturer may
29 assign the device a repairability score higher than five for a
30 specific criterion. The department may establish additional standards
31 for any or all score values between one and 10 for each criterion
32 identified in section 4(2) of this act.

33 NEW SECTION. **Sec. 6.** The legislature finds that the practices
34 covered by this chapter are matters vitally affecting the public
35 interest for the purpose of applying the consumer protection act,
36 chapter 19.86 RCW. A violation of this chapter is not reasonable in
37 relation to the development and preservation of business and is an
38 unfair or deceptive act in trade or commerce and an unfair method of

1 competition for the purpose of applying the consumer protection act,
2 chapter 19.86 RCW.

3 An individual that brings a successful action under the consumer
4 protection act for a violation of this chapter may recover all
5 remedies established in RCW 19.86.090 and shall further recover
6 \$1,000 in statutory damages for each violation of this chapter.

7 NEW SECTION. **Sec. 7.** Any person who knowingly falsifies
8 information required by this chapter, knowingly submits fraudulent
9 information to the department in connection with this chapter, or
10 conspires to mislead consumers in violation of this chapter, is
11 guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

12 NEW SECTION. **Sec. 8.** This act applies to digital electronic
13 equipment sold on or after the effective date of this section.

14 NEW SECTION. **Sec. 9.** This act takes effect January 1, 2023.

15 NEW SECTION. **Sec. 10.** This chapter may be known and cited as
16 the repairability index act.

17 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act
18 constitute a new chapter in Title 19 RCW.

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