

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 29, 2024
Date

Committee on Business Affairs & Labor.

After consideration on the merits, the Committee recommends the following:

HB24-1121 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 7, line 26, after "(a)" insert "(I)".
- 2 Page 8, strike lines 14 through 19 and substitute:
 - 3 "(II) A MANUFACTURER SHALL MAKE AVAILABLE TO AN
 - 4 INDEPENDENT REPAIR PROVIDER OR OWNER, ON FAIR AND REASONABLE
 - 5 TERMS, ANY DOCUMENTATION, EMBEDDED SOFTWARE, TOOL, PART, OR
 - 6 OTHER DEVICE OR IMPLEMENT THAT THE MANUFACTURER PROVIDES FOR
 - 7 EFFECTING THE SERVICES OF MAINTENANCE, REPAIR, OR DIAGNOSIS ON THE
 - 8 MANUFACTURER'S DIGITAL ELECTRONIC EQUIPMENT.
 - 9 (III) WITH RESPECT TO PARTS, A MANUFACTURER COMPLIES WITH
 - 10 THIS SUBSECTION (1)(a) IF A CONTRACTOR MAKES THE PARTS AVAILABLE
 - 11 TO AN INDEPENDENT REPAIR PROVIDER OR OWNER ON BEHALF OF THE
 - 12 MANUFACTURER.
 - 13 (b) (I) With respect to AGRICULTURAL equipment OR A POWERED
 - 14 WHEELCHAIR that contains an electronic security lock or other
 - 15 security-related function, a manufacturer shall, with fair and reasonable
 - 16 terms and costs, AS APPLIED TO AGRICULTURAL EQUIPMENT OR POWERED
 - 17 WHEELCHAIRS,".
- 18 Page 9, after line 1 insert:
 - 19 "(II) THE REQUIREMENT SET FORTH IN SUBSECTION (1)(b)(I) OF
 - 20 THIS SECTION DOES NOT APPLY TO DIGITAL ELECTRONIC EQUIPMENT.".
- 21 Page 10, line 1, after "MINING," insert "FORESTRY EQUIPMENT,".
- 22 Page 10, after line 2 insert:

1 "(g) OUTSIDE-THE-METER COMMERCIAL OR INDUSTRIAL
2 ELECTRICAL EQUIPMENT, INCLUDING POWER DISTRIBUTION EQUIPMENT,
3 AND ANY TOOLS, ATTACHMENTS, ACCESSORIES, COMPONENTS, AND
4 REPLACEMENT AND REPAIR PARTS OF THE ELECTRICAL EQUIPMENT."

5 Renumber succeeding paragraphs accordingly.

6 Page 10, strike lines 4 through 6 and substitute "CELL POWER SYSTEMS, OR
7 POWER TOOLS;

8 (i) MARINE VESSELS, AVIATION, ALL-TERRAIN SPORT VEHICLES,
9 AND RECREATIONAL VEHICLES, INCLUDING RACING VEHICLES;

10 (j) SAFETY COMMUNICATIONS EQUIPMENT, THE INTENDED USE OF
11 WHICH IS FOR EMERGENCY RESPONSE OR PREVENTION PURPOSES BY AN
12 EMERGENCY SYSTEM ORGANIZATION, SUCH AS A POLICE, FIRE, OR MEDICAL
13 AND EMERGENCY RESCUE SERVICES AGENCY;

14 (k) EQUIPMENT INSTALLED FOR THE PURPOSE OF ENERGY STORAGE,
15 RENEWABLE POWER GENERATION, POWER MANAGEMENT, OR
16 DISTRIBUTION;

17 (l) SET TOP BOXES, MODEMS, ROUTERS, OR ALL-IN-ONE DEVICES
18 DELIVERING INTERNET, VIDEO, AND VOICE SERVICES THAT ARE
19 DISTRIBUTED BY A VIDEO, INTERNET, OR VOICE SERVICE PROVIDER IF THE
20 SERVICE PROVIDER OFFERS EQUIVALENT OR BETTER, READILY AVAILABLE
21 REPLACEMENT EQUIPMENT AT NO CHARGE TO THE CUSTOMER; OR

22 (m) FIRE ALARM SYSTEMS AND INTRUSION DETECTION EQUIPMENT
23 THAT IS PROVIDED WITH A SECURITY MONITORING SERVICE."

24 Page 10, line 16, before "ANTI-THEFT" insert "PRIVACY OR".

25 Page 10, line 18, strike "OR".

26 Page 10, line 25, strike "COMPONENTS." and substitute "COMPONENTS; OR

27 (e) REQUIRES A MANUFACTURER TO PROVIDE OR MAKE AVAILABLE
28 A TOOL OR DOCUMENTATION TO AN INDEPENDENT REPAIR PROVIDER OR
29 OWNER IF THE MANUFACTURER ITSELF USES THE TOOL OR
30 DOCUMENTATION ONLY TO PERFORM, AT NO COST, DIAGNOSTIC SERVICES
31 VIRTUALLY THROUGH USE OF A TELEPHONE, THE INTERNET, CHAT, E-MAIL,
32 OR OTHER SIMILAR MEANS OF COMMUNICATION THAT DO NOT INVOLVE
33 THE MANUFACTURER PHYSICALLY HANDLING THE CUSTOMER'S DIGITAL
34 ELECTRONIC EQUIPMENT, UNLESS THE MANUFACTURER ALSO MAKES THE
35 TOOL OR DOCUMENTATION AVAILABLE TO AN INDIVIDUAL OR BUSINESS
36 THAT IS UNAFFILIATED WITH THE MANUFACTURER."

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