

Subject Repair of digital electronic equipment by independent repair providers

Authors Fischer and others

Analyst Larie Ann Pampuch (larie.pampuch@house.mn)

Date February 1, 2022

Overview

Requires original equipment manufacturers (OEMs) to make tools, parts, and documentation to diagnose, maintain, and repair digital electronic equipment available to independent repair providers and owners. Requires tools, parts, and documentation to be offered on fair and reasonable terms and provides exemptions.

Summary

Section	Description
---------	-------------

- | | |
|---|--|
| 1 | <p>Short title.</p> <p>This act may be cited as the “Digital Fair Repair Act.”</p> |
| 2 | <p>Definitions.</p> <p>Provides definitions for terms used in this section, including authorized repair provider, digital electronic equipment, embedded software, fair and reasonable terms, firmware, independent repair provider, and original equipment manufacturer (OEM).</p> |
| 3 | <p>Requirements.</p> <p>(a) Requires OEMs of digital electronic equipment to make documents, parts, and tools, available to independent repair providers or the owners of the equipment, for purposes of diagnosis, maintenance, and repair.</p> <p>(b) Requires OEMs to make special documents, parts, or tools, needed to reset a lock function, available to independent repair providers and owners for the purposes of diagnosis, maintenance, and repair.</p> |

Section	Description
4	<p>Enforcement by attorney general.</p> <p>Makes violation of this section an unlawful practice under section 325D.44 and enforceable by the attorney general.</p>
5	<p>Limitations.</p> <p>(a) Clarifies that nothing in this section requires an OEM to release trade secret information to independent repair providers or owners, except as necessary to provide the necessary documentation, tools, and parts.</p> <p>(b) Clarifies that this section does not alter the terms of an agreement between an OEM and an authorized repair provider.</p> <p>(c) Clarifies that nothing in this section requires an OEM or an authorized repair provider to provide independent repair providers or owners access to information, other than documentation, that is provided pursuant to an agreement between the OEM and an authorized repair provider.</p>
6	<p>Exclusions.</p> <p>(a) Clarifies that this section does not apply to motor vehicle manufacturers, manufacturers of motor vehicle equipment, motor vehicle dealers, or any product or service they may provide.</p> <p>(b) Clarifies that this section does not apply to manufacturers or distributors of medical devices, or digital electronic product or software for use in a medical setting.</p>
7	<p>Applicability.</p> <p>This section applies to equipment sold or in use on or after January 1, 2022.</p>
8	<p>Effective date.</p> <p>This section is effective January 1, 2023.</p>



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155