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**HOUSE BILL 1826**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Representatives Gregerson, Farivar, Doglio, Berry, Parshley, Obras, Ramel, Ormsby, Macri, Fosse, Bernbaum, Pollet, and Hill

AN ACT Relating to establishing a right to repair for mobility equipment for persons with physical disabilities; and adding a new chapter to Title 19 RCW.

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

NEW SECTION. **Sec.**  The legislature finds that access to reliable mobility devices is critical for Washingtonians living with disabilities, the growing senior population, developmentally delayed children, and others. For those who rely on a power wheelchair or other mobility device, any delay in repair is not only a quality of life issue, but it can interfere with their employment, schooling, health, and safety. A recent survey of wheelchair users found that a majority of respondents had repair times that were at least four weeks, but often seven or more weeks. Therefore, the legislature intends to require mobility device manufacturers to make documentation, parts, embedded software, firmware, and tools available to independent repair providers and mobility device owners to ensure that there are more repair options available for Washingtonians, so no one has to wait for long repairs for vital equipment.

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

(1) "Authorized repair provider" means an individual or business that is unaffiliated with an original equipment manufacturer and that has an arrangement with the original equipment manufacturer to use the original equipment manufacturer's trade name, service mark, or other proprietary identifier for the purpose of offering the services of diagnosis, maintenance, or repair of equipment under the name of the original equipment manufacturer, or that has an arrangement with the original equipment manufacturer under which the individual or business offers the services of diagnosis, maintenance, or repair of equipment on behalf of the original equipment manufacturer. An original equipment manufacturer who offers the services of diagnosis, maintenance, or repair of its own equipment shall be considered an authorized repair provider with respect to such products.

(2) "Authorized third-party provider" means an individual or business that is unaffiliated with an original equipment manufacturer and that has an arrangement with the original equipment manufacturer to use the original equipment manufacturer's trade name, service mark, or other proprietary identifier for the purpose of distributing documentation, parts, embedded software, firmware, or tools.

(3) "Diagnosis" means the process of identifying the issue or issues that cause the equipment to not be in fully working order.

(4) "Documentation" means any manual, diagram, maintenance procedures, functional and wiring diagrams, reporting output, service code description, circuit board schematics, security code, password, training material, troubleshooting information, list of required tools, parts list, or other guidance or information that enables a person to service or update their equipment.

(5) "Embedded software" means programmable instructions provided on firmware delivered with an electronic component of equipment or with any part for the purpose of restoring or improving operation of the equipment or part and includes all relevant patches and fixes that the original equipment manufacturer makes to equipment or to any part for the purpose of restoring or improving the equipment or part.

(6) "Equipment" means mobility devices designed for people with physical disabilities including, but not limited to, power wheelchairs, manual wheelchairs, mobility scooters, and power assist devices for manual wheelchairs.

(7) "Fair and reasonable terms and costs" means each of the following, as applicable:

(a)(i) For parts, at costs and terms that are equivalent to the most fair and reasonable costs and terms under which the original equipment manufacturer offers the part to an authorized repair provider, accounting for any discount, rebate, convenient and timely means of delivery, means of enabling fully restored and updated functionality, rights of use, or other incentive or preference the original equipment manufacturer offers to an authorized repair provider, and is not conditioned on or imposing a substantial obligation to use or restrict the use of the part to service equipment sold, leased, or otherwise supplied by the original equipment manufacturer;

(ii) For documentation, including any relevant updates, that the documentation is made available at no charge, except that, when the documentation is requested in physical printed form, a charge may be included for the reasonable actual costs of preparing and sending the copy;

(iii) For tools, that the tools are made available by the original equipment manufacturer at no charge and without imposing impediments to access or use of the tools to service and enable full functionality of the equipment, or in a manner that impairs the efficient and cost-effective performance of any such services, except that, when a tool is requested in physical form, a charge may be included for the reasonable, actual costs of preparing and sending the tool;

(b) If an original equipment manufacturer does not use an authorized repair provider, "fair and reasonable terms and costs" means at a price that reflects the actual cost to the original equipment manufacturer to prepare and deliver the part, tool, or documentation, exclusive of any research and development costs incurred.

(8) "Firmware" means a software program or set of instructions programmed on equipment or a part to allow equipment or a part to communicate with itself or with other computer hardware.

(9) "Independent repair provider" means an individual or business that engages in the services of diagnosis, maintenance, or repair of equipment in this state without an arrangement with the original equipment manufacturer of such equipment as described in subsection (1) of this section or an affiliation with an authorized repair provider for such equipment. "Independent repair provider" also means an original equipment manufacturer or an original equipment manufacturer's authorized repair provider that engages in the services of diagnosis, maintenance, or repair of equipment that is not manufactured by or on behalf of, sold by, or supplied by such original equipment manufacturer.

(10) "Maintenance" means any act necessary to keep currently working equipment in fully working order.

(11) "Manual wheelchair" means a wheeled mobility device that is a chair that can either be propelled by the user or pushed by another person.

(12) "Mobility scooter" means an electric personal transporter that is used as a mobility aid for people who need assistance with walking or getting around.

(13) "Original equipment manufacturer" means an individual or business that, in the normal course of business, is engaged in the business of selling, leasing, or otherwise supplying new equipment manufactured by or on behalf of itself, to any individual or business.

(14) "Owner" means an individual or business that owns or leases equipment purchased or used in this state.

(15) "Part" means any replacement part, either new or used, or its equivalent, which is generally available or used by an original equipment manufacturer or an authorized repair provider for purposes of effecting the services of maintenance or repair of equipment manufactured or sold by the original equipment manufacturer.

(16) "Power assist device" means a motorized attachment that can be added to a manual wheelchair to help the user propel the wheelchair with less effort.

(17) "Power wheelchair" means a motorized wheeled device designed for use by a person with a physical disability.

(18) "Repair" means any act needed to restore equipment to fully working order.

(19) "Service" or "services" means diagnosis, maintenance, or repair services performed on equipment or a part.

(20) "Tools" means any software program, hardware implement, or other apparatus, used for diagnosis, maintenance, or repair of equipment or parts, including software or other mechanism that provides, programs, or pairs a new part; calibrates functionality; or performs any other function required to bring the equipment or part back to fully functional condition, including any updates.

(21) "Trade secret" has the same meaning as defined in 18 U.S.C. Sec. 1839, as that section existed on January 1, 2017.

NEW SECTION. **Sec.**  For the purpose of providing services for equipment in the state, an original equipment manufacturer shall, on fair and reasonable terms and costs, make available to any independent repair provider or owner of the original equipment manufacturer's equipment any documentation, parts, embedded software, firmware, or tools that are intended for use with the equipment or any part, including updates to documentation, parts, embedded software, firmware, or tools. Such documentation, parts, embedded software, firmware, and tools shall be made available either directly by the original equipment manufacturer or via an authorized repair provider or authorized third-party provider.

NEW SECTION. **Sec.**  Nothing in this chapter shall be construed to:

(1) Require an original equipment manufacturer to sell parts if the parts are no longer made available to authorized repair providers by the original equipment manufacturer;

(2) Require an original equipment manufacturer to divulge a trade secret to an independent repair provider or owner, except as necessary to provide documentation, parts, embedded software, firmware, or tools on fair and reasonable terms and costs;

(3) Alter the terms of any arrangement described in section 2(1) of this act in force between an authorized repair provider and an original equipment manufacturer including, but not limited to, the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer pursuant to such arrangement, except that any provision in such terms that purports to waive, avoid, restrict, or limit the original equipment manufacturer's obligations to comply with this section shall be void and unenforceable; or

(4) Require an original equipment manufacturer or an authorized repair provider to provide to an owner or independent repair provider access to information, other than documentation, that is provided by the original equipment manufacturer to an authorized repair provider pursuant to the terms of an arrangement described in section 2(1) of this act.

NEW SECTION. **Sec.**  (1) An original equipment manufacturer or authorized repair provider shall not be liable for any damage or injury to any equipment caused by an independent repair provider or owner which occurs during the course of services and is not attributable to the original equipment manufacturer or authorized repair provider other than if the failure is attributable to design or manufacturing defects.

(2) The original equipment manufacturer does not warrant any services provided by independent repair providers.

NEW SECTION. **Sec.**  (1) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) This chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

NEW SECTION. **Sec.**  Sections 1 through 6 of this act constitute a new chapter in Title 19 RCW.

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