

March 3, 2026

Support from the Digital Right to Repair Coalition for S 2487

Senator Matthew L. LaMountain, Chair
Senator Mark P. McKenney, Vice-Chair
Members of the Senate Judiciary Committee

Dear Senators:

Thank you for considering S2487 and allowing us to provide supporting materials.. We are the leading voice of equipment repair for items made with digital electronic parts ranging from small CE gadgets and gizmos to the largest of data center servers, storage devices and everything in between.

About the Coalition:

The Coalition was incorporated in July of 2013 for the specific purpose of advocating for repair-friendly legislation, standards and regulations for products made with digital electronic components. Unlike mechanical devices, repair is functionally impossible without access to repair materials and tools that only the manufacturer (“OEM”) can provide.

Members of our Coalition represent nearly the entire secondary market for electronics from the moment the product leaves the shelf at the retailer, through multiple owners, repair providers, refurbishers, and recyclers. Every aspect of the secondary market is impacted by access to repair information regardless of the design of the product.

About Legislation:

Legislation restoring repair rights is already in place in 11 states covering roughly 35% of our national population. Tech leaders including Google, Apple and Microsoft have come to the marketplace with repair-friendly policies in some states. Rhode Island businesses and consumers won't know for sure if the same policies will apply without specific legal protections in Rhode Island. Residents may be able to acquire repair materials from out of state, but that economic activity will also be out of state. Rhode Island needs its own statutes even if duplicative of other states.

Ownership:

Over our more than a decade of direct experience working with legislators, we have concluded that the most important question to ask when considering requests for exclusions is to ask “Who owns the equipment”? Ownership must be clear or there is mischief involved. Legislators must prevent vendors from selling their products and then using unfair and deceptive tactics to retain control post-purchase. This is the link to general business law.

Some notable OEMS have argued that their products are too sophisticated or complicated to be repaired by any technician other than their own. The future may present designs that are non-repairable by ordinary humans, but even if this were the case, antitrust law does not support the sale of repair services as a monopoly. Equipment buyers always have the right to customize their purchases even to the extent of ruining them. Manufacturers are not called upon to donate repair services to cover customer mistakes even under warranties.

In the same light - OEMS overstep their responsibilities to infer that they should be allowed to monopolize repair services in order to protect the owner from using their purchases unsafely. Owners use door locks and cyber security tools to protect their property and facilities, not to protect the revenue of the vendor. Owners decide for themselves how to control both physical and communications access. OEMS can design and sell tools that assist owners with security, but choices about how to secure facilities, data and networks belong entirely to the owner.

Right to Repair is technology neutral. The purpose of this legislation is only to restore the option of competition for repair services to buyers of technology-enabled products. So long as a product can be repaired, the buyer should have all legal options to make repairs.

Our Board and Board Advisors have been selected for their notable expertise. All are volunteers and willing to donate their time to answer your questions. Please let me know if we can be of any assistance.

Regards,

Gay Gordon-Byrne
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For reference:

<https://www.repair.org/our-board-and-board-advisors>
<https://www.repair.org/members>

Supplementary Information:

- a. Products are complex, but repair is simple.

OEMs design their products to be repairable at the lowest cost of labor so they can spend as little as possible making good on warranty promises and post-warranty repair contracts. They create documentation and diagnostic tools to help their own technicians determine which part(s) have failed. Replacement spare parts designed to be installed by technicians making \$20-\$25 per hour. Software tools are provided to make sure the spare parts are fully functional before the product is considered fixed.

Independent technicians already do the same when hired as subcontractors and can do the same as competitors with fair and reasonable access to the same materials. OEMs either make money on repairs or they make money selling replacements. Competition for repair is anathema to the OEM business model.

- b. There are no “unintended consequences”

All 50 states have engaged in considering legislation across well over 600 bills. 11 states have passed statutes, some of which are already in effect. There have been no reports of “unintended consequences” negatively impacting customers. OEMs have not had their IP proliferated, their secrets stolen, or seen a surge in personal injury claims. The auto industry has been dealing with the same issues since 2012, and their experience goes back another decade without evidence of actual harm. Issues related to lithium ion batteries are product defects, not repair mistakes.

- c. Repair saves customers, including business customers, significant money and delay.

[US PIRG](#) studied the buying habits of consumers of common consumer electronics and estimated that the average family is spending more than \$382 per year to replace rather than repair their purchases. For most Rhode Islanders, this is real money that can be better spent on food, clothing, education and savings.

Savings on repair are easily calculable. We all know that using an independent car mechanic is likely to be 30% less costly than the dealership – just look at the difference between labor rates. We can do our own car repairs even if repairs might be dangerous to ourselves.

Data center equipment repair used to be highly competitive – savings of 50% or more were expected. The costs of overpaying for equipment repair doesn't make for better repair – it just adds to the operating costs of banking, credit card processing, insurance, retail and anything done through the internet. We all pay fees indirectly for these services and the fees are always higher without competition.

Nor is there any evidence that newer model products are better made than those being replaced - as with home appliances. Modern appliances that used to last 20 years or longer are failing in 3-5 years because they are made with cheap plastic parts that are not durable. The key to stopping the cycle of planned obsolescence without design mandates is to make sure that repair options are widely available. More access to repair means that even poorly made products can stay in use. Vendors of lousy products would then be in direct competition with better made products.

d. Proprietary Rights (“IP”) are fully protected

It is specifically legal under copyright law for equipment owners to backup and restore copyrighted materials for purposes of repair. This includes software tools, schematic diagrams, operating systems, applications licenses and content. Since 1999, multiple rounds of investigations have been held to make sure copyright law does not restrain repair. The only area where repairs are currently limited by copyright law is computer gaming consoles.

Patents are not infringed by repair. Patents are already public in exchange for a literal monopoly on production. Buying spare parts or repairing spare parts is not manufacturing.

Trade Secrets are of no use to repair. Under the Uniform Trade Secrets Act a secret has to be kept as a secret – and distributing secrets ends any protections. We have yet to learn of a trade secret provided within repair materials.

e. Consistency of ownership rights

Owners pay in full for their purchases. The OEM is fully compensated for all their investments, innovation and expenses. We don't treat ownership differently based on the product, nor on the ethnicity of the buyer and we should not create new barriers to repair based on arbitrary definitions of customers. Businesses, schools and governments buy and sell purchased products the same way as individuals regardless of the product. Products that are rented aren't included because the owner (likely the leasing company) is legally responsible for control of their property.

f. Liability for errors of use belong to the equipment owner

OEMs always disclaim all potential liability for use in their purchase agreements. All 50 states have statutes governing how OEMs can be held liable, or not, mostly excluding only “gross negligence”. OEMs concerned about their own liability for errors of repair can make their repair materials more readily available and reduce, not increase, their risks.

g. Physical access and data security controls belong to the owner

Door locks are purchased to protect access to property at the direction of the owner, not the vendor. For example, car alarms must be disabled before an auto mechanic can make a repair,

and then returned to the original settings. Blocking the ability of the owner to reset an alarm simply prevents otherwise legal repair. References to alarms in the statute are for this purpose.

Access to data stored on computers, cell phones and other gadgets is protected by fully functional specialty software which only works when the underlying hardware, regardless of brand, is up and running. Without fully repaired hardware – there is no security. Blocking repair therefore does not help owners control data security. As evidence, CISA (federal cyber agency) references prompt repair as being critical to the functionality of cyber security products.

h. Hacking is not repair

OEMs design their products to be cyber secure while being repaired, or not. If OEMS were actually distributing cyber back doors in repair materials, the same would be all over the internet in nanoseconds. Secrets should never be distributed. The FTC asked the same question in 2019 and after two years of study reported no evidence of cyber risk as the result of repair.

i. OEMS can help, but cannot command

Once sold, OEMs have no responsibility to protect their customers from harm. For example, OEMs of seat belts can advocate for use, but cannot fine or punish their customers that refuse to buckle up. States can pass laws to fine scofflaws, but the fines apply to the user, not the OEM. Multiple vendors of CE products have added useful features to their products such as “repair mode” and using more screws instead of glue to make repairs less difficult. This is the result of Right to Repair and the innovations which have flowed from a focus on safety and security of repair.

j. Mandates

There are no design, format, or content mandates in Right to Repair legislation. This is intentional so that OEMS can comply without difficulty. The bill allows OEMS to use whatever materials they have already created for purposes of repair and simply make them available on non-discriminatory terms. When parts run out of inventory – there is no requirement to re-order more stock. Older parts and 3rd party parts can be used just as is routinely done for automobiles so long as parts activation is not blocked by OEMs. It is the availability of repair materials on fair and reasonable terms that limit the need for mandates.

k. Technician Qualifications

Electronics repair is not a licensed trade. Plumbing and electrical licenses are not required to make repairs, other than where building codes apply. Most of the equipment deployed by utilities requires licensed trades. Some fire protection equipment is covered by fire codes. Exclusions reiterating these requirements are for purposes of clarification, not the success of particular lobbyists.

OEMs and Independents are hiring from the same labor pool, using the same tests, vetting procedures and evaluation of experience when hiring. OEMs and independents subcontract widely with each other to perform repairs when and where their own staff are not available. We know this in great detail as our independent repair providers (IRPs) are the trusted subcontractors for OEMs in thousands of locations.

Data center owners with security concerns add their own contracting requirements. Federal agencies with security issues typically require “Top Secret, SCI” (Sensitive Compartmented Information) clearances which is a specialty unto itself. OEMs regularly subcontract with holders of these credentials in order to provide repairs under their contracts. Access to these types of facilities is the responsibility of the data center owner, such as the Pentagon, and not the vendor.

I. Scale of business activity

Repair is big business, roughly 6% of national GDP according to the Federal Reserve Bank of St Louis. Our hundreds of organizational members themselves represent roughly 300,000 electronics repair technicians collectively serving all 340 million of us as owners, not including technology products used in business, industry, education, and government. When surveyed - 87% of consumers express support for Right to Repair, 22% aren't sure, and only 1% don't like the idea. Surveys and voting show no visible partisan divide. Owners of all walks of life simply want to be able to fix their stuff. For comparison – the auto repair sector is roughly twice as large, serving the same population.

Regards,

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