

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3724

By: Phillips

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6 AS INTRODUCED

7 An Act relating to electronics; creating the Oklahoma
8 Electronics Owner Right to Repair Act; stating
9 findings; defining terms; requiring electronics
10 information be provided to certain persons;
11 prohibiting disclosure of certain information;
12 requiring disclosure of information upon certain
13 determination; requiring record be made of
14 determination; prohibiting the withholding of certain
15 information; requiring enactment of rules; providing
16 for monetary penalties for violations; allowing for
17 certain persons to file a civil action; providing for
18 codification; and providing an effective date.

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1 The Legislature finds and declares that:

2 1. The ability to diagnose, service and repair an electronic
3 device in a timely, reliable and affordable manner is essential to
4 the safety and well-being of consumers in this state;

5 2. Consumers are entitled to choose among competing repair
6 facilities for the convenient, reliable and affordable repair of
7 their electronics;

8 3. Increased competition among repair facilities will benefit
9 electronics owners in this state;

10 4. The diagnosis, service and repair of these electronics are
11 essential to their safe and proper operation;

12 5. In many instances, businesses or manufacturers of
13 electronics prevent owners from making, or having another person
14 make, the necessary diagnosis, service and repair of their
15 electronics in a timely, convenient, reliable and affordable manner;

16 6. Electronics owners in this state should have the right:

- 17 a. to obtain all information necessary to provide for the
18 diagnosis, service and repair of their electronics,
19 b. to choose between original parts and aftermarket parts
20 when repairing their electronics, and
21 c. to make, or have another person make, repairs
22 necessary to keep their electronics in reasonably good
23 and serviceable condition during the expected life
24 span of the electronics; and

1 7. The lack of access to electronic repair information
2 regarding who can repair electronics and what parts may be used to
3 repair those electronics limit consumer choice and thus limits
4 competition.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 905 of Title 15, unless there is
7 created a duplication in numbering, reads as follows:

8 As used in Oklahoma Electronics Owner Right to Repair Act:

9 1. "Consumer Protection Unit" means the Consumer Protection
10 Unit within the Office of the Attorney General;

11 2. "Manufacturer" means a person engaged in the business of
12 manufacturing, assembling or distributing electronics who will,
13 under normal business conditions during the year, manufacture,
14 assemble or distribute to dealers at least fifty new electronic
15 devices;

16 3. "Electronic device" or "electronics" means electronic
17 equipment, or a part of electronic equipment, originally
18 manufactured for distribution and sale in the United States;

19 4. "Electronic equipment" means:

20 a. any system, part, or component of an electronic device
21 as originally manufactured, or

22 b. any similar part or component manufactured or sold for
23 replacement or improvement of a system, part or
24

1 component or as an accessory or addition to an
2 electronic device;

3 5. "Repair facility" means a person engaged in the repair,
4 diagnosing or servicing of electronics or electronic devices; and

5 6. "Electronics owner" means any person who owns, leases or
6 otherwise has the legal right to use and possess an electronic
7 device or the agent of such person.

8 SECTION 4. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 906 of Title 15, unless there is
10 created a duplication in numbering, reads as follows:

11 A. Upon request, the manufacturer of an electronic device shall
12 promptly provide to the owner, to a repair facility, and to the
13 Consumer Protection Unit for use by any electronics owner or repair
14 facility, the information necessary to diagnose, service or repair
15 an electronic device. The information shall include:

16 1. Information necessary to integrate replacement equipment
17 into the electronic device; and

18 2. Other information, as determined by the Consumer Protection
19 Unit, that is used to diagnose, service, repair, activate, certify
20 or install any electronic equipment in an electronic device.

21 B. A manufacturer shall not be required to publicly disclose
22 information that, if made public, would divulge methods or processes
23 entitled to protection as trade secrets of that manufacturer, but
24 may be required to disclose that information to the Consumer

1 Protection Unit for the purpose of determining whether that
2 information is entitled to such protection. The determination shall
3 be made on the record after an opportunity for an agency hearing.
4 No information may be withheld by a manufacturer if that information
5 is provided either directly or indirectly to franchised dealers or
6 other repair dealers.

7 C. The Consumer Protection Unit shall prescribe rules setting
8 forth the uniform method by which a manufacturer shall provide the
9 information required by subsection A of this section, including
10 disclosure in writing, on the Internet, or in any other manner, or
11 under the terms the Consumer Protection Unit determines may be
12 appropriate.

13 SECTION 5. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 907 of Title 15, unless there is
15 created a duplication in numbering, reads as follows:

16 A. Any person who violates any of the provisions of the
17 Oklahoma Electronics Owner Right to Repair Act, in addition to any
18 other penalty provided by law, may be fined in an amount not
19 exceeding Five Thousand Dollars (\$5,000.00) for a first offense and
20 not exceeding Ten Thousand Dollars (\$10,000.00) for any second or
21 subsequent offense.

22 B. An electronics owner or repair facility may bring a civil
23 action to enjoin a violation of this act and to recover the costs of
24 litigation including reasonable attorney and expert witness fees.

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SECTION 6. This act shall become effective November 1, 2020.

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