



April 10, 2023

The Honorable Bill Dodd  
California State Senate  
State Capitol  
Sacramento, CA 95814

Re: SB 271 (Powered wheelchairs: right to repair)—Support and Co-Sponsor

Dear Senator Dodd:

Consumer Reports<sup>1</sup> is proud to co-sponsor Senate Bill 271, which will help ensure that Californians who rely on wheelchairs have the choice to fix them, if they can, or to have them fixed by a repair servicer of their choosing, including servicers independent of the manufacturer. This bill would secure these important rights for consumers, independent businesses, and the economy by enacting them into law, and we urge your support for it.

CR has long supported this “right to repair,” including by developing model legislation to help guide state legislators.<sup>2</sup> And we have also incorporated this principle into the Digital Standard, a set of best practices that Consumer Reports uses to evaluate the privacy and security of software, digital platforms and services, and internet-connected products, as well as to help influence the consumer-friendly design of these products.<sup>3</sup> It is important to safeguard and maintain consumers’ ability to exercise their full rights of ownership over the electronics-enabled consumer products they purchase, including the right to repair them, and the right to resell them, even as technology evolves.<sup>4</sup> Ensuring an effective right to repair will also expand consumer

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<sup>1</sup> Founded in 1936, Consumer Reports (CR) is an independent, nonprofit and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on the challenges and opportunities for today's consumers, and provides ad-free content and tools to 6 million members across the U.S.

<sup>2</sup> *Right to Repair Model State Law*, CONSUMER REPORTS (updated December 2, 2020), <https://advocacy.consumerreports.org/research/right-to-repair-model-state-law/>.

<sup>3</sup> The Digital Standard, <https://www.thedigitalstandard.org/>.

<sup>4</sup> E.g., Comments of Consumers Union To U.S. Copyright Office, Software-Enabled Consumer Products Study (March 18, 2016), <http://consumersunion.org/research/comments-to-the-u-s-copyright-office-regarding-software-enabled-consumer-products/>.

choice in the marketplace, save consumers money, and reduce waste. President Biden has recognized the importance of this right, by including it in an Executive Order.<sup>5</sup> The Federal Trade Commission also released a landmark report, *Nixing the Fix*, which explored how repair restrictions hurt consumers.<sup>6</sup> The need for right to repair protections has continued to become clearer than ever nationwide, with New York passing a digital right to repair law last year, and Colorado passing a law to ensure consumers have the right to repair wheelchairs just last year as well.<sup>7</sup>

Millions of Americans rely on wheelchairs, and this bill would save Californians time, money, and prevent injury by giving them more options to repair these essential products.<sup>8</sup> For example, consumers have been charged hundreds of dollars for wheelchair parts that could be purchased much more cheaply from an independent source.<sup>9</sup> Tactics that interfere with repair rights force consumers to rely on the manufacturer, or the manufacturer's handpicked servicer, to fix these products.<sup>10</sup> The manufacturer is then free to charge whatever it wishes, or even to refuse to repair the product and force the consumer to throw it away and buy a new product.

Manufacturers and their representatives have worked to defeat Right to Repair legislation, often by using spurious arguments about safety and security.<sup>11</sup> On the contrary, this bill would better ensure the safety of products, and without sacrificing consumer choice. Independent repair technicians would have to meet whatever certification requirements are set by state law, just like authorized repair technicians. This bill would ensure that they have the same access to proper instructions that are vetted for safety.

For these reasons, we co-sponsor and support SB 271.

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<sup>5</sup> Consumer Reports: White House executive order is an important step that highlights need for greater competition in the U.S. marketplace (July 9, 2021), [https://advocacy.consumerreports.org/press\\_release/consumer-reports-white-house-executive-order-is-an-important-step-that-highlights-need-for-greater-competition-in-the-u-s-marketplace/](https://advocacy.consumerreports.org/press_release/consumer-reports-white-house-executive-order-is-an-important-step-that-highlights-need-for-greater-competition-in-the-u-s-marketplace/).

<sup>6</sup> *Nixing the Fix: An FTC Report to Congress on Repair Restrictions*, Fed. Trade Comm'n (May 2021), [https://www.ftc.gov/system/files/documents/reports/nixing-fix-ftc-report-congress-repair-restrictions/nixing\\_the\\_fix\\_report\\_final\\_5521\\_630pm-508\\_002.pdf](https://www.ftc.gov/system/files/documents/reports/nixing-fix-ftc-report-congress-repair-restrictions/nixing_the_fix_report_final_5521_630pm-508_002.pdf).

<sup>7</sup> Consumer Reports: *New York Right-to-Repair Law Promises Easier, Cheaper Electronics Repairs* (January 8, 2023) <https://www.consumerreports.org/right-to-repair/new-york-right-to-repair-law-electronics-a1202339752/>; NPR: *In Colorado, users of powered wheelchairs can now make repairs themselves* (March 28, 2023) <https://www.npr.org/2023/03/28/1166630318/in-colorado-users-of-powered-wheelchairs-can-now-make-repairs-the-mselves>

<sup>8</sup> Alicia Koontz, *Wheeled Mobility*, BioMed research international (April 1, 2015), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4397418/>.

<sup>9</sup> Matthew Gault, *Wheelchair Right to Repair Passes Colorado House*, (March 30, 2022), <https://www.vice.com/en/article/k7w55x/wheelchair-right-to-repair-passes-colorado-house>.

<sup>10</sup> Emily Matchar, *The Fight for the Right to Repair*, Smithsonian (Jul. 13, 2016), <https://www.smithsonianmag.com/innovation/fight-right-repair-180959764/>.

<sup>11</sup> Mikey Campbell, *Apple Lobbies Against 'Right to Repair' Proposal in Nebraska*, Apple Insider, (March 9, 2017), <http://appleinsider.com/articles/17/03/09/apple-lobbies-against-right-to-repair-proposal-in-nebraska>.

Sincerely,

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Consumer Reports

cc: Members, California State Senate