

HB1199_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business Affairs & Labor.

HB21-1199 be amended as follows:

1 Amend printed bill, page 2, after line 14 insert:

2 **"6-1-1302. Legislative declaration.** (1) THE GENERAL ASSEMBLY
3 HEREBY FINDS AND DETERMINES THAT:

4 (a) DIGITAL ELECTRONIC EQUIPMENT PROVIDES SIGNIFICANT
5 SOCIAL AND ECONOMIC BENEFITS TO THE STATE AND ITS CITIZENS;

6 (b) ORIGINAL EQUIPMENT MANUFACTURERS UTILIZE POLICIES AND
7 PRACTICES THAT REQUIRE OWNERS TO USE AN ORIGINAL EQUIPMENT
8 MANUFACTURER OR ITS AUTHORIZED REPAIR PROVIDER TO REPAIR DIGITAL
9 ELECTRONIC EQUIPMENT, THUS MAKING CONSUMERS DEPENDENT ON THE
10 ORIGINAL EQUIPMENT MANUFACTURERS AND THEIR AUTHORIZED REPAIR
11 PROVIDERS FOR REPAIRS, REGARDLESS OF THE COST OR DISTANCE
12 REQUIRED TO GET SUCH REPAIRS PERFORMED;

13 (c) THERE IS A COMPELLING NEED TO CURTAIL THESE POLICIES AND
14 PRACTICES TO PROVIDE CONSUMERS WITH A CHOICE REGARDING THE
15 REPAIR OF THEIR DIGITAL ELECTRONIC EQUIPMENT, WHETHER BY
16 ALLOWING A CONSUMER TO PERFORM THE REPAIRS OR TO CONTRACT WITH
17 AN INDEPENDENT REPAIR PROVIDER TO REPAIR THE DIGITAL ELECTRONIC
18 EQUIPMENT;

19 (d) TO GIVE CONSUMERS A CHOICE REGARDING WHO REPAIRS THEIR
20 DIGITAL ELECTRONIC EQUIPMENT, ORIGINAL EQUIPMENT MANUFACTURERS
21 SHOULD BE REQUIRED TO PROVIDE CONSUMERS AND INDEPENDENT REPAIR
22 PROVIDERS WITH THE INFORMATION NECESSARY TO EFFECTUATE REPAIRS,
23 INCLUDING GIVING THE CONSUMERS ACCESS TO THE INFORMATION, TOOLS,
24 AND PARTS NECESSARY TO PERFORM SUCH REPAIRS; AND

25 (e) PROVIDING CONSUMERS AND INDEPENDENT REPAIR PROVIDERS
26 ACCESS TO THE INFORMATION, TOOLS, AND PARTS NECESSARY TO PERFORM
27 REPAIRS ON DIGITAL ELECTRONIC EQUIPMENT WILL NOT HINDER
28 TECHNOLOGICAL INNOVATION, INFRINGE UPON AN ORIGINAL EQUIPMENT
29 MANUFACTURER'S INTELLECTUAL PROPERTY OR TRADE SECRETS, MAKE
30 ORIGINAL EQUIPMENT MANUFACTURERS LIABLE FOR IMPROPER REPAIRS
31 PERFORMED BY OWNERS OR INDEPENDENT REPAIR PROVIDERS, OR VOID
32 CONSUMERS' WARRANTIES UNDER FEDERAL LAW.

33 (2) THE GENERAL ASSEMBLY DECLARES THAT:

34 (a) IT IS IN THE PUBLIC INTEREST TO ESTABLISH THAT AN ORIGINAL
35 EQUIPMENT MANUFACTURER'S FAILURE TO PROVIDE ACCESS TO THE
36 INFORMATION, TOOLS, AND PARTS NECESSARY TO PERFORM REPAIRS OF
37 DIGITAL ELECTRONIC EQUIPMENT IS AN UNFAIR OR DECEPTIVE TRADE
38 PRACTICE; AND

39 (b) THIS PART 13 SHOULD BE LIBERALLY CONSTRUED TO ACHIEVE
40 THAT PUBLIC INTEREST."

1 Renumber succeeding C.R.S. sections accordingly.

2 Page 6, after line 20 insert:

3 "(13) "SOURCE CODE" MEANS A TEXT LISTING OF COMMANDS TO
4 BE COMPILED OR ASSEMBLED INTO AN EXECUTABLE COMPUTER
5 PROGRAM."

6 Renumber succeeding subsections accordingly.

7 Page 8, after line 21 insert:

8 "(4) IF AN OWNER SELLS DIGITAL ELECTRONIC EQUIPMENT, THE
9 OWNER SHALL DISCLOSE TO ANY POTENTIAL BUYER IN WRITING, WHETHER
10 BY PAPER OR ELECTRONIC MEANS, THE FACT OF ANY REPAIR THAT THE
11 OWNER OR AN INDEPENDENT REPAIR PROVIDER PERFORMED ON THE
12 DIGITAL ELECTRONIC EQUIPMENT. THE OWNER, TO THE EXTENT
13 PRACTICABLE, SHALL INCLUDE IN ANY SUCH DISCLOSURE INFORMATION
14 REGARDING THE TYPE OF REPAIR PERFORMED, THE PERSON WHO
15 PERFORMED THE REPAIR, AND THE DATE THAT THE REPAIR WAS
16 PERFORMED."

17 Page 9, line 7, strike "6-1-1303" and substitute "6-1-1304".

18 Page 10, strike line 5 and substitute "PROVIDE ACCESS TO:

19 (I) SOURCE CODE; OR

20 (II) TOOL FUNCTIONS THAT ENABLE THE OWNER OR".

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