

New York breaks the right to repair bill as it's signed into law

New York governor Kathy Hochul signed the Digital Fair Repair Act on December 28th, 2022, and the law will go into effect on July 1st, 2023 – a full year after it was originally passed by the NY State legislature. The bill establishes that consumers and independent repair providers have a right to obtain manuals, diagrams, diagnostics and parts from original equipment manufacturers (OEMs) in order to repair their own devices. However, the bill was meaningfully compromised at the last minute by amendments that give OEMs some convenient exceptions and loopholes to get out of obligations that many right to repair advocates had been hoping for.

One of the most controversial adjustments in the signed law is that it allows OEMs to sell assemblies of parts instead of individual components if they choose to. The bill also won't require OEMs to provide "passwords, security codes or materials" to bypass security features, which is sometimes necessary to do to save a locked, but otherwise functionally fine device.

Hochul claims in her signed memorandum that the bill was amended to lessen the risk of physical harm or security issues while making repairs, an amendment that Rossman calls "bullshit" and expects manufacturers to exploit in circumvention of the spirit of the bill.

The bill does cast a wide net on the eligibility of protected devices, using the term "digital electronic equipment." However, it exempts certain industries altogether, including

home appliances, motor vehicles, medical devices, and off-road equipment. It also exempts enterprise devices relied upon by schools, hospitals and data centers, .

One other big amendment referenced in the governor's memorandum includes which historical devices are covered by law – or the complete lack thereof. The memo states that July 1st, 2023 is the date when devices “manufactured for the first time as well as sold or used in New York for the first time” become eligible for coverage, implying that right to repair protections won't apply to anything made before the bill's effective date. We still need to see the full text of the final amended bill for complete analysis.

Still, many of the bill's supporters are celebrating after a years-long fight to get legislation passed. Nathan Proctor, the senior right to repair campaign director at the US Public Interest Research Group, shared in a statement:

“I've pushed for repair reforms in dozens of states, and been told by industry lobbyists that we'd never see a floor vote, that we'd never pass a bill, that a governor would never sign it. And while it's not everything we wanted, it's the first of its kind in the nation, and just the start.”

<https://www.theverge.com/2022/12/29/23530733/right-to-repair-law-new-york-tech-hochul-oems-parts>