



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

APPROVAL #93
CHAPTER #810

December 28, 2022

MEMORANDUM filed with Senate Bill 4104-A, entitled:

"AN ACT to amend the general business law, in relation to the sale of digital electronic equipment and providing diagnostic and repair information"

APPROVED

This bill requires original equipment manufacturers of digital electronic products to provide materials to product owners and independent repair providers in New York to facilitate repairs. Such materials include documents like manuals and diagrams, and tools like diagnostics and parts. The bill exempts certain products and industries from the bill's requirements, including home appliances, motor vehicles, medical devices, and off-road equipment.

As technology and smart devices become increasingly essential to the lives of New Yorkers, it is important for consumers to be able to fix the devices that they rely on in a timely fashion. This legislation would enhance consumer options in the repair markets by granting them greater access to the parts, tools and documents needed for repairs. Encouraging consumers to maximize the lifespan of their devices through repairs is a laudable goal to save money and reduce electronic waste.

The legislation as drafted included technical issues that could put safety and security at risk, as well as heighten the risk of injury from physical repair projects, and I am pleased to have reached an agreement with the legislature to address these issues. This agreement eliminates the bill's original requirement calling for original equipment manufacturers to provide to the public any passwords, security codes or materials to override security features, and allows for original equipment manufacturers may provide assemblies of parts rather than individual components when the risk of improper installation heightens the risk of injury. We have also agreed to clarify that original equipment manufacturers, who either contract with authorized third-party repair shops or who themselves offer repair services, are required to provide parts, tools and documents at reasonable costs to device owners and independent repair shops to facilitate repair, and that digital products that are the subject of business-to-business or business-to-government sales and that otherwise are not offered for sale by retailers, are exempt. Finally, we have agreed to changes to ensure original equipment manufacturers will not be required to license any intellectual property, and that this new law's requirements will apply to digital electronic equipment that is both manufactured for the first time as well as sold or used in New York for the first time on or after July 1, 2023.

Based on this agreement, I am pleased to sign this bill into law.

This bill is approved.

Randy Hochul