

February 8, 2024

Rep. Janeen Sollman
Chair, Senate Energy and Environment Committee
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

Re: Oppose SB 1596 Unless Amended

Dear Chair Sollman:

On behalf of the Consumer Technology Association (CTA), thank you for opportunity to provide comments on SB 1596. CTA is the trade association representing the U.S. consumer technology industry – including manufacturers of devices subject to the provisions of this legislation. We also represent retailers of these and other consumer technology products.

Given the enactment of repair laws in New York, Minnesota, and California, CTA is both concerned about a patchwork of varying requirements emerging across the United States but also working constructively to align legislation for consistency as well to avoid unintended consequences. CTA stands ready to work with leading repair advocates on establishing a joint and national Memorandum of Understanding (MOU) to establish a transparent and viable process for facilitating safe and secure repair in Oregon and beyond. We also appreciate your engagement on the critical remaining points that keep us in the “oppose unless amended” column, summarized below. Details of our exchange are also attached to this letter.

Specific CTA Concerns

The following items remain of major concern:

- **Parts pairing prohibition** (Page 6 Line 15-31) – please delete this section. We remain concerned that this provides a state blessing of the use of not just non-OEM parts, but also counterfeit parts. As discussed, the differences between cars and consumer technology devices are significant – the expectation of someone acquiring a used vehicle are completely different than someone acquiring a used digital device. For cars independent parts of varying quality are to be expected, but not so for digital devices like smart phones. This changes that reality and not to the benefit of the person acquiring a used smart phone.

- **Retroactivity** (Page 12 Line 15-23) – please make applicability consistent with law’s effective date. We continue to have serious doubts about the legality of the retroactive application of such a provision.
- **Internally-Performed Repairs** (Page 2 Line 16-21) – should not be treated the same as external authorized repairs, please remove. We remain concerned that this will disincentivize manufacturers from doing any post-warranty repairs, especially for lower value products where manufacturers have provided such repairs as a courtesy to customers. This would result in the unintended consequence of reducing repair options for consumers residing in states that equate internal repairs with third party independent repair.
- **Most favorable terms for parts** (Page 3 Lines 21-30) – please replace “most favorable” with a requirement that parts be available on “reasonable costs and terms.” A “reasonable costs and terms” provision as suggested by CTA would prevent doomsday scenarios without using the term “most favorable,” which is unclear in its application and carries other issues detailed in the attached exchange.
- **Allocation limitations** (Page 4 Lines 11-18) – please remove the allocation references. The language in the bill is broader than the concern you raised about “malicious activities” and would still result in the unintended consequences detailed in the attached exchange. CTA’s suggestion Alternative B above would address this scenario without the unintended consequences.

Conclusion

Thank you again for the opportunity to testify and provide our comments and suggestions. If you have any questions, please do not hesitate to contact me at walcorn@cta.tech.

Sincerely,



Walter Alcorn
Vice President, Environmental Affairs and Industry Sustainability
Consumer Technology Association