



S.4104-A (Breslin) / A.7006-B (Fahy)

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BILL S.4104-A (Breslin) / A.7006-B (Fahy)
SUBJECT Right to Repair
DATE May 31, 2022
OPPOSE

The Business Council of New York State, the state’s leading statewide business and industry association, strongly opposes S.4104-A (Breslin) / A.7006-B (Fahy), which amends the General Business Law to mandate that original equipment manufacturers of digital electronic equipment that is sold or leased in New York must make available for purchase that equipment’s diagnostic and repair information, tools and other parts to owners of the equipment and to independent repair providers not associated with the manufacturer.

The legislation also gives the Attorney General the authority to bring enforcement actions with civil penalties of up to \$500 for each violation.

Mandating that manufacturers provide diagnostic and repair information regarding their products to unrelated service providers creates potential legal issues regarding federal trade secret statutes and puts manufacturers’ valuable patents and other intellectual property rights at risk of exposure.

Despite provisions claiming the bill would not require manufacturers to “divulge a trade secret” companies would be obligated to send significant amounts of data related to highly sensitive and technical aspects of equipment to almost any repair provider who requests it.

In addition, this legislation impedes on a manufacturer’s ability to establish contractual relationships with authorized service providers. Manufacturers use authorized service providers to help assure that their customers are obtaining repairs from qualified providers, particularly in regard to highly technical equipment.

While we recognize that the bill has been amended in an effort to address these and other concerns, we believe that the proposal still poses significant issues for OEMs.

For the above reasons, The Business Council opposes this legislation.