STATE OF NEW YORK

8434

2023-2024 Regular Sessions

IN ASSEMBLY

December 29, 2023

Introduced by M. of A. CARROLL -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to promoting consumer choice by requiring manufacturers of digital electronic equipment to provide retail sellers with a one through ten repair score that will be displayed to consumers at point of sale

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as "The Electronics Repair Scores Act".

§ 2. Subdivision 1 of section 399-nn of the general business law is amended by adding two new paragraphs (s) and (t) to read as follows:

(s) "Repair score" or "score" means a one through ten score calculated by the manufacturer based on the repair scoring criteria developed by the attorney general.

(t) "Detailed score" means the information regarding the calculation and meaning of the repair score as defined by the scoring criteria developed by the attorney general.

§ 3. Subdivision 2 of section 399-nn of the general business law, as amended by chapter 48 of the laws of 2023, is amended to read as follows:

2. Requirements. **(a)** An original equipment manufacturer shall make available to any independent repair provider and owner of digital electronic equipment manufactured by or on behalf of or sold by such original equipment manufacturer, on fair and reasonable terms, any documentation, parts, and tools required for the diagnosis, maintenance, or repair of such digital electronic equipment and parts that are manufactured for the first time, and first sold or used in New York on or after July first, two thousand twenty-three. Such documentation, parts, and tools shall be made available either directly by an original equipment manufacturer or via an authorized repair provider. An original

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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equipment manufacturer who, in the regular course of business, offers to an owner the services of diagnosis, maintenance or repair of its own digital electronic equipment, and who does not have an arrangement described in paragraph (a) of subdivision one of this section with an unaffiliated individual or business, shall be considered an authorized repair provider with respect to such equipment.

(b) (i) For digital electronic equipment that is sold or used in this state, an original equipment manufacturer shall make available to any retail sellers and the attorney general the repair score and detailed score for such digital electronic equipment, inclusive of any updates to information.

(ii) When displayed by retailers and manufacturers near pricing information, the score shall include the logo representation of the score as developed by the attorney general.

(iii) A retail seller that receives notification from the original equipment manufacturer or the attorney general regarding the product's repair score shall ensure that, within ninety days of receipt of the notification:

(A) prominently display repair scores on the product or near the pricing information for the product for such digital electronic equipment within all retail locations located within the state and internet retail websites.

(B) make the detailed score available to a potential purchaser of the product on the retail seller's website near pricing information.

(iv) Original equipment manufacturers shall clearly display repair scores for such products on their website product listing pages, as well as make publicly available detailed scores to all potential purchasers on each product listing page.

(v) Scoring criteria will be determined by the attorney general, which shall periodically update such criteria, and a logo representation of scores. Scoring criteria shall include, but is not limited to: the free and public availability of technical documents regarding the product; ease of disassembly of the product; availability of spare parts for the product; the price of spare parts for the product; length of software support by the manufacturer of the product; and other criteria specific to the category of the product as determined by the attorney general.

§ 4. This act shall take effect one year after it shall have become a law; provided, however, that if chapter 810 of the laws of 2022 shall not have taken effect on or before such date then sections two and three of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2022, takes effect.