

## It's My Tractor and I Need It Now: State of Current Right to Repair Legislation

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### What is Right to Repair?

Advocates for right to repair legislation argue for one simple principle: if you own something, you should be able to repair that device yourself or choose whichever repair technician of your choice, rather than be forced to purchase an entirely new device.<sup>1</sup> Practically speaking, many Americans are without the means to service their own electronic devices once it inevitably breaks<sup>2</sup> and manufacturers have long opposed legislative efforts to introduce meaningful legislation to facilitate consumer access to parts and information for self-repair.<sup>3</sup>

However, many manufacturers, particularly longstanding critics of right to repair, have made significant advances in providing consumers with the information and parts to provide repairs on their devices at home.<sup>4</sup> In late November 2021, Apple announced it would begin to supply commonly-repaired parts of iPhone 12 and 13 models and had plans for expanding its offerings in the following years.<sup>5</sup>

Others, notably John Deere, continue to stymie public access to parts and software.<sup>6</sup> Despite promising in 2018 to address farmers' concern that tractors and other equipment were becoming increasingly unrepairable because of the company's increasing incorporation of software, many equipment owners still cannot purchase the diagnostic repair software to perform routine repairs.<sup>7</sup>

For farmers, the impact of limited avenues to repair their equipment is relatively simple: they can't work.<sup>8</sup> Without the ability to self-repair their equipment, many have to wait days or weeks for a licensed technician to perform repairs which they were once able to perform themselves.<sup>9</sup> If this equipment needs repair when crops need to be planted, every day the equipment is out of service is a day of lost yield.<sup>10</sup>

A consumer's right to repair is especially important given the positive environmental impacts which follow from consumers having an easier time repairing their devices.<sup>11</sup> Environmental advocates argue that making devices easier to repair, consumers would not need to replace them as frequently.<sup>12</sup>

### Current Legislative Right to Repair Landscape?

In 2021, more than half of all states introduced right to repair legislation, although the contents and protections afforded to consumers varied widely among states.<sup>13</sup> For example,

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<sup>1</sup> <https://www.nytimes.com/wirecutter/blog/what-is-right-to-repair/>

<sup>2</sup> *Id.*

<sup>3</sup> <https://uspirg.org/blogs/blog/usp/who-doesn't-want-right-repair-companies-worth-over-10-trillion>

<sup>4</sup> <https://www.engadget.com/apple-self-service-repair-iphone-mac-142122774.html>

<sup>5</sup> <https://www.engadget.com/apple-user-iphone-repair-policy-change-173047862.html>

<sup>6</sup> [https://www.vice.com/en/article/v7m8mx/john-deere-promised-farmers-it-would-make-tractors-easy-to-repair-it-lied?utm\\_source=reddit.com](https://www.vice.com/en/article/v7m8mx/john-deere-promised-farmers-it-would-make-tractors-easy-to-repair-it-lied?utm_source=reddit.com)

<sup>7</sup> *Id.*

<sup>8</sup> <https://www.nbcnews.com/tech/new-senate-bill-farm-equipment-right-to-repair-rcna13961>

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> <https://www.cnn.com/2021/10/03/tech/right-to-repair-climate-environmental-impact/index.html>

<sup>12</sup> *Id.*

<sup>13</sup> <https://uspirg.org/blogs/blog/usp/half-us-states-looking-give-americans-right-repair>

legislation proposed in Arkansas applied only to agriculture equipment<sup>14</sup> while legislation in Delaware applied to all non-car devices.<sup>15</sup>

However, Massachusetts was the only state to successfully implement right to repair legislation. Back in 2020, voters approved a ballot measure which required auto makers to give car owners and independent mechanics more access to data about car's internal systems via an open data platform.<sup>16</sup> This open data platform would enable third parties to access the onboard diagnostic system<sup>17</sup> and although the bill was meant to go into effect in 2022, automakers have successfully stalled its implementation.<sup>18</sup>

The fight for the right to repair again entered the federal spotlight on February 3, 2022, when Rep. Bobby Rush introduced a bill that largely echoes the Massachusetts legislation.<sup>19</sup> Rush's legislation would ensure vehicle owners and independent repair shops access to vehicle diagnostic systems.<sup>20</sup> Yet, Rush's bill is hardly an aberration within Congress. Just last year Rep. Joe Morelle, introduced a more expansive bill, the Fair Repair Act, which would make consumer third-party electronic repair more accessible, enabling owners of farm equipment to cell phones to avoid returning to manufacturers for necessary repairs.<sup>21</sup>

The right to repair movement, which aims to enable individual consumers the means to repair expensive electronic devices, again entered the legislative spotlight despite manufacturers' efforts to increase repairability. Although many states introduced legislation within the past year, each with distinct products in mind, only Massachusetts has shown any appetite to enact such proposals.

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<sup>14</sup> <https://www.arkleg.state.ar.us/Bills/Detail?tbType=&id=sb461&ddBienniumSession=2021%2F2021R>

<sup>15</sup> <https://legis.delaware.gov/BillDetail?LegislationId=48203>

<sup>16</sup> <https://www.wired.com/story/fight-right-repair-cars-turns-ugly/>

<sup>17</sup> *Id.*

<sup>18</sup> <https://www.bostonglobe.com/2022/02/04/business/bill-congress-echoes-mass-automotive-right-to-repair-plan/>

<sup>19</sup> <https://www.tirebusiness.com/news/rep-rush-introduces-federal-right-repair-bill>

<sup>20</sup> <https://www.reuters.com/world/us/us-lawmakers-introduce-right-repair-bills-spur-competition-2022-02-03/>

<sup>21</sup> <https://www.pcmag.com/news/congressman-introduces-federal-right-to-repair-bill>