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FISCAL IMPACT REPORT

LAST UPDATED _____

SPONSOR Pope/Stefanics **ORIGINAL DATE** 02/05/2025

BILL

SHORT TITLE Right To Repair Consumer Electronics Act **NUMBER** Senate Bill 69

ANALYST Gygi

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
NMAG	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal		Recurring	General Fund
Courts	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal		Recurring	General Fund

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From
Administrative Office of the Courts (AOC)
New Mexico Attorney General (NMAG)

Agency Analysis was Solicited but Not Received From
Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of Senate Bill 69

Senate Bill 69 (SB69) establishes the Right to Repair Consumer Electronics Act. If enacted, manufacturers of consumer electronic goods are obligated to provide documentation, tools, and parts to owners and independent repair providers, not solely to authorized service providers. The bill:

- Specifies obligations of manufacturers, including making documentation, tools, and parts available at fair and reasonable terms, but does not require disclosure of trade secrets;
- Authorizes the New Mexico Attorney General (NMAG) to initiate investigations of complaints and enforcement actions for violations and prescribes penalties;
- Specifies duties of repair providers;
- Makes exceptions for motor vehicles, medical devices, solar electricity generators, energy storage systems, offroad equipment, farm tools, and construction equipment, among other things; and
- Applies to cell phones manufactured and first sold or used in the state after June 30, 2021

and any other consumer electronic equipment manufactured and sold or used in the state for the first time after June 30, 2015.

The bill authorizes enforcement actions for violations that take place on or after July 1, 2027. Lastly, SB69 requires NMAG to report to the governor and the Legislature no later than December 31, 2028, detailing the previous two years' worth of consumer complaints pertaining to potential violations of the act.

The effective date of this bill is July 1, 2025.

FISCAL IMPLICATIONS

NMAG states additional resources may be needed for its new investigation and reporting duties resulting from SB69 if enacted.

The Administrative Office of the Courts (AOC) projects a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. It is possible that enforcement will increase the judiciary's administrative workload and caseload in the courts, resulting in additional cost increases.

SIGNIFICANT ISSUES

States are responding to consumer demand for options to prolong the lifetime of their electronic devices and for affordable local repair providers. Six states have passed right to repair legislation: Massachusetts (2012, 2020), Colorado (2022, 2023, 2024), New York (2024), Minnesota (2023), Maine (2023), Oregon (2024), and California (2022). A 2023 National Conference of State Legislature (NCSL) report compared legislation introduced that year in 33 states and Puerto Rico.¹ Some of these bills address specific products, like wheelchairs, and others target broader categories, such as medical, digital, or agricultural equipment.

Currently cell phone and laptop manufacturers employ manufacturing techniques for parts, such as batteries, that do not allow part replacement, instead requiring replacement of the device. Such practices create a worldwide e-waste problem.² Right to repair legislation may change these practices.

NMAG notes that SB69 defines "trade secrets" differently than the Uniform Trade Secrets Act, 57-3A-2(D).

PERFORMANCE IMPLICATIONS

AOC reports the courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

¹ <https://www.ncsl.org/technology-and-communication/right-to-repair-2023-legislation>

² <https://builtin.com/articles/right-to-repair-act#:~:text=The%20Right%20to%20Repair%20Act%20passed%20as%20law%20in%20four,or%20in%20local%20repair%20shops>

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- Cases disposed of as a percent of cases filed.
- Percent change in case filings by case type.

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