

LFC Requester:

Felix Chavez

### AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Date Prepared: 01/23/25

Check all that apply:

Bill Number: SB 69

Original  Correction   
Amendment  Substitute

Sponsor: Sen. Harold Pope

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

Short Title: Right to Repair Consumer Electronics Act

Analysis: AAG Joshua Holst

Phone: 505-537-7676

Email: legisfir@nmag.gov

#### SECTION II: FISCAL IMPACT

##### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

##### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

##### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis:

Section 1 of the bill establishes the short title of a new act “Right to Repair Consumer Electronics Act.” The bill seeks to create an obligation on behalf of manufacturers of consumer electronic goods to provide documentation, tools, or parts that the manufacturer makes available to authorized service providers necessary to repair goods produced by the manufacturers to the owners of those goods as well as independent repair providers.

Section 2 provides definitions for the bill.

Section 3 imposes the described obligation on original manufacturers of goods and prohibits them from using parts pairing to inhibit an owner or independent repair provider from making repairs to electronic goods.

Section 4 imposes an obligation on manufacturers that they provide the necessary documentation, parts, and tools used for the repair of goods available at fair and reasonable terms.

Section 5 identifies the limitations of the act, including exceptions for motor vehicles, medical devices, solar electricity generators, energy storage systems, off road equipment, farm tools, and construction equipment, among other things.

Section 6 details the duties of independent repair providers and authorized service providers to post a notice that informs the customer of their rights, specifies how the provider protects the customer’s privacy, and displays the provider’s repair certifications. Section 6 also requires disclosures from the provider, including requiring that independent repair providers disclose that they are not authorized service providers and that providers disclose when they use used parts to make repairs.

Section 7 details the enforcement of the Act. It grants the Attorney General authority to issue investigative demands pertaining to a potential violation of the Act, to be served and enforced pursuant to Section 57-12-12. It also enables the Attorney General to bring a civil action to enjoin violations of the act or impose a civil penalty of up to \$1000 for each day on which the violation continues. It also specifies that any civil penalties shall be deposited into the current school fund.

Section 8 requires the Attorney General to produce a report by December 31, 2028 to the governor and legislature specifying the number and nature of consumer complaints regarding potential violations of the Act within the previous two years.

Section 9 limits the applicability of the Act 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.

Section 10 limits Section 7 of the Act to violations of Section 3 that take place on or after July 1, 2027. The Act becomes effective on July 1, 2025 if passed.

## **FISCAL IMPLICATIONS**

### **SIGNIFICANT ISSUES**

See Performance Implications and Conflict, Duplication, Companionship, Relationship.

### **PERFORMANCE IMPLICATIONS**

The bill gives the attorney general sole enforcement authority. Additionally, the bill imposes an affirmative requirement on the Attorney General to provide a report to the governor and legislature detailing the previous two years' worth of consumer complaints pertaining to potential violations of the Act.

### **ADMINISTRATIVE IMPLICATIONS**

None noted.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

This bill defines "trade secrets" different than what is defined in the Uniform Trade Secrets Act, 57-3A-2(D).

### **TECHNICAL ISSUES**

None Noted.

### **OTHER SUBSTANTIVE ISSUES**

None Noted.

### **ALTERNATIVES**

None noted.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo will remain unchanged. Original manufacturers and authorized repair providers of consumer electronics would remain without a statutory obligation to provide documentation, parts, or tools to independent repair providers and owners of consumer electronics.

### **AMENDMENTS**

N/A