

## Watching and Waiting: The New York Digital Fair Repair Act

**December 23, 2022**

We are watching the New York Governor's office this last week of December with anticipation about whether an important piece of legislation will be vetoed or signed. The New York State Legislature passed the Digital Fair Repair Act (DFRA) and was formally delivered to Governor Hochul for signature and will become law either once it is signed or at the end of the day on December 28, unless vetoed by Governor Hochul. Then, the DFRA will go into effect one year after the date it became law.

This legislation would make New York the first state to require original equipment manufacturers (OEMs) to provide independent repair shops and consumers with diagnostic and repair information for electronic equipment, excluding farm equipment, medical devices, home appliances, motor vehicles, video game consoles, and public safety communications equipment such as police radios. OEMs assert that the DFRA will cause cybersecurity and consumer privacy issues, safety risks, and harm to their businesses due to the disclosure of proprietary information. Consumer groups overwhelmingly support protections like this. Recently, federal legislative action has been aimed at making self-repair for electronic devices easier and cheaper for consumers, and the U.S. Copyright Office confirmed such repairs will not violate copyright law. The DFRA is a significant development for consumers and OEMs, and signals the shift toward making self-repairs for digital electronic devices available across the U.S.

Carter Ledyard's team is keeping a close eye on this bill and we encourage you to check back or subscribe to updates to learn how these developments may affect your business.

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