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Oregon Passes Right to Repair Law: First to Ban Parts Pairing

The right to repair movement is spreading along the Pacific coast. Closely following its southern neighbor's passage of a right to repair law (see "<u>California</u> <u>Passes Right to Repair Law: New Rules for Electronics Repair</u>"), Oregon's Gov. Tina Kotek signed <u>SB 1596</u> into law on March 28, 2024.

Oregon's right to repair law largely tracks California's—it requires manufacturers of consumer electronic devices to provide guides, parts and tools for those devices to product owners and repair facilities. However, Oregon's law goes further, also banning "parts pairing"—the practice of using software to serialize the components of a device so that the device "recognizes" each part connected to it. The practice has become increasingly popular among manufacturers, who tout its security benefits. For consumers, however, parts pairing operates as a soft barrier to independent repair; while the physical part may be replaceable, the device may only function properly if the replacement part is both procured from and validated by the manufacturer.

The law takes effect early in 2025 and covers phones sold within the state since July 2021 and all other electronic devices sold since July 2015. The ban on parts pairing applies to covered devices manufactured after January 1, 2025.

Tech giant <u>Apple lobbied against the law</u> despite backing right to repair efforts in California late last year, and offered public testimony defending its use of parts pairing. However, Google publicly endorsed the Oregon bill, calling the legislation "a compelling model for other states to follow." Consumer advocates have praised the Oregon law as a "<u>nation-leading</u>" right to repair law. The interplay or possible conflict with federal law also remains to be seen (e.g., when articles are subject to federal patent or copyright protection).

While California's law appears stronger in some regards—it requires manufacturers to keep repair materials available for seven years while Oregon's does not set a time period, and it imposes penalties for violations starting in July 2024, compared to 2027 for the Oregon law—Oregon's ban on parts pairing sets it apart, though other states may soon follow suit. According to one research group, 30 states have introduced or carried over right to repair legislation this year. As more and stronger right-to-repair laws continue to be passed nationwide, it is clear that for manufacturers, it is a question of "when," not "if" they will be

POSTED:

Apr 23, 2024

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impacted by such laws.

Please contact Laura Brenner, Olivia Brooks or any member of Reinhart's Commercial and Competition Law Team with questions concerning right to repair laws and how they might affect your business or your rights.

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