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Colorado Denied Its Citizens the Right-to-Repair After Riveting Testimony

Stories of environmental disaster and wheelchairs on fire weren't enough to move legislators to pass right-to-repair.



By [Matthew Gault](#)

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A right-to-repair bill died in the Colorado state legislature on March 25, 2021. After almost three hours of testimony from business leaders, disabled advocates, and a 9-year-old activist, legislators said there were too many unanswered questions and that the proposed law was too broad.

Half the country is now considering [right-to-repair](#) laws. As electronics have become a more important part of people's lives, tech companies have attempted to tighten the control over how we use their devices.

Colorado's proposed right-to-repair law was simple and clear. At [11 pages](#), the legislation spent most of its word count defining terms, but the gist was simple: It would let people fix their own stuff without needing to resort to the manufacturer and force said manufacturer to support people who want to fix stuff.

"For the purpose of providing services for digital electronic equipment sold or used in this state, an original equipment manufacturer shall, with fair and reasonable terms and cost, make available to an independent repair provider or owner of the manufacturer's equipment any documentation, parts, embedded software, firmware, or tools that are

intended for use with the digital electronic equipment, including updates to documentation, information, or embedded software,” the proposed bill said.

Right-to-repair is often spoken of in the context of broken phone screens, but it doesn't just affect people's personal devices. Agricultural and medical equipment are increasingly impossible to fix because manufacturers want to maintain a monopoly on repairing the product. These issues can make the right-to-repair literally life and death.

The Colorado House Business Affairs & Labor committee met to consider the law on March 25. Twelve legislators voted to indefinitely postpone considering the bill. Only one voted for it. “I still have a lot of questions. I still have a lot of concerns,” Rep. Monica Duran (D) said at the end of the committee hearing. She voted no on the bill.

It was a stunning statement given just how many people testified on behalf of the right-to-repair legislation and how few questions the committee asked them.

Kenny Maestas, who uses a wheelchair, drove this home in his testimony before the committee. Maestas spent a long time in the hospital and when he came home, his mobility was restricted. An electric wheelchair helped him get around, but it was broken. The right arm of the chair was broken and the battery would no longer hold a charge.

“Both my son and brothers were capable and ready to do whatever needed to get done...I called on the 14th of December,” he told the committee. “I was told the next time a tech would be in my area would be the 18th of January. As a rural resident of Colorado I'm used to a regional delay, but 35 days seemed excessive.”

Maestas said that the electric wheelchair company had the battery and spare parts on file to fix his chair, but the company's procedure required a technician to first inspect the chair before making a repair. It was another 28 days after the tech first arrived before Maestas was mobile again. It was more than 60 days before his chair was working again.

“It's never appropriate to make a human being with a critical care need wait over two months for a repair that could have been completed in two days,” he said. The committee asked Maestas no questions.

Julie Reiskin, executive director of the Colorado Cross-Disability Coalition, shared horrifying stories of what it means when someone can't get their wheelchair repaired quickly.

“This company left a friend and colleague for two weeks with a broken tilt, which is necessary to preserve skin integrity, with full knowledge that he has life threatening medical issues caused by pressure sores,” she said. “When they finally bothered to show up two weeks later, they failed to fix the problem.”

The wheelchair had a visible wire loose and the Reiskin’s friend had a handyman fix it. When the wheelchair manufacturer found out, it voided his warranty. Had he not had his handyman do it, “he would have gone to the hospital or worse,” she said.

Earlier, committee members had shared concerns about improper installation of batteries causing fires; safety concerns with non-manufacturer repairs are a common talking point with industry groups and supporters. Reiskin’s own wheelchair once caught fire after authorized repair techs improperly installed batteries, she said. The committee asked her no questions.

Nine-year old activist Madhvi Chittoor took the stand to explain the environmental impact of the right-to-repair. “I support this bill. For the sustainability of planet Earth, our only home, we have to move away from the 'use and replace' mindset. It affects our ecosystem very badly,” she said.

One legislator asked Chittoor how long she’d been an activist. Another praised her testimony. No one asked her substantive questions about the environmental impact of right-to-repair.

In their own comments, the legislators repeated lines Apple and other companies often use to defend their repair monopolies. Shannon Bird (D), for example, said that manufacturers have the right to dictate how a customer uses its product. She stressed that Apple can sell licenses to whatever it wants. “Apple Music is different than purchasing a CD,” she said. “I have a hard time believing that we would call it Apple having a monopoly on its own product.”

Many of the legislators on the committee conflated the repair market with the phone market itself. Others said that a right-to-repair bill would increase the cost of phones for everyone. Rep. Steven Woodrow (D), a sponsor of the bill, explained why this didn’t make any sense.

“We’re not talking about the market for phones. We’re talking about the market for repairs, it’s a secondary market,” he said. “By restricting competition in that market they’re engaged in manipulation. The cost should go down. By allowing for repairs you’re increasing the supply. Basic econ says that as the supply increases the price decreases.”

At one point, the opposition even brought out former Governor and John Deere dealer Roy Romer to testify against the bill. John Deere is an industry leader in locking down products against third-party repair and famously lied to customers about making tractors easy to repair.

The right-to-repair bill's defeat is a setback for Colorado, but it isn't the end of the story. Bill sponsor Brianna Titone (D) told Motherboard she plans to keep fighting.

"I was particularly frustrated by a committee member who said they had 'so many unanswered questions' yet didn't ask any during the committee," she said in an email. "The tactics used by the industry to protect their bottom line and oppose this bill are nothing new, and I've known from the beginning that getting it passed would be an uphill battle. The big tech companies have virtually unlimited resources and can send the best people to sow doubt about the bill."

At the end of the committee hearing, Titone can be heard telling the legislators "see you next year."

She knows that it's a good, common sense law that has the overwhelming support of her constituents, she said.

"I cannot recall anyone outside of the legislature who thought it was a bad idea. Farmers agree, consumers agree, independent small business repair shops agree, but the committee didn't because of whatever was told to them," said Titone. "My constituent, Madhvi, the 9 year old environmentalist, was very disappointed with the result but I told her I will continue to fight for the issue."

Connecticut, Delaware, Illinois, Maryland, Massachusetts, Missouri, Minnesota, Montana, Nevada, New Jersey, New York, Oklahoma, Oregon, and Washington are also considering right-to-repair laws. Colorado's fight is a preview for what to expect as legislators prepare to consider those bills.