

**CS FOR HOUSE BILL NO. 162(CRA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE DIBERT

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the diagnosis, maintenance, modification, and repair of digital  
2 products; adding an unlawful act to the Alaska Unfair Trade Practices and Consumer  
3 Protection Act; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
6 to read:

7 SHORT TITLE. This Act may be known as the Digital Right to Repair Act.

8 \* **Sec. 2.** AS 45.45 is amended by adding new sections to read:

9 **Article 12A. Digital Product Diagnosis, Maintenance, and Repair.**

10 **Sec. 45.45.800. Digital product diagnosis, maintenance, and repair.** (a) A  
11 digital product manufacturer shall, as required under AS 45.45.800 - 45.45.899, make  
12 available to an independent service provider or owner of a digital product  
13 manufactured, sold, or leased by or on behalf of the manufacturer any documentation,  
14 parts, and tools provided to an authorized service provider for the diagnosis,

1 maintenance, or repair of the digital product.

2 (b) The documentation, parts, and tools made available under (a) of this  
3 section must include any changes made by the digital product manufacturer to update,  
4 fix, or improve a computer program, including the program's data, or firmware used in  
5 the product or part.

6 **Sec. 45.45.810. Security features.** If a digital product contains an electronic  
7 security lock or other security-related feature that is disabled during the diagnosis,  
8 maintenance, or repair of the product, the digital product manufacturer shall make  
9 available to the independent service provider or owner of the product the  
10 documentation, parts, and tools necessary to reset the security-related feature. The  
11 manufacturer may use appropriate secure release systems to make the documentation,  
12 parts, and tools available.

13 **Sec. 45.45.820. Parts pairing prohibited.** (a) A digital product manufacturer  
14 may not use parts pairing software or another technology that

15 (1) prevents or inhibits an independent service provider or owner of a  
16 digital product from installing and enabling a functional replacement part or  
17 component that the digital product manufacturer has not approved; and

18 (2) if a functional replacement part or component for a digital product  
19 that has not been approved by the digital product manufacturer is installed or  
20 otherwise enabled,

21 (A) reduces the functionality or performance of the product; or

22 (B) causes the product to display misleading alerts or warnings

23 that the owner cannot immediately dismiss.

24 (b) Nothing in this section requires a digital product manufacturer to make  
25 available to a person special documentation, tools, parts, electronic programs, or other  
26 devices that disable or override anti-theft or privacy security measures that are  
27 activated, installed, or otherwise enabled by an owner of a digital product.

28 (c) If a requirement under this section is preempted by federal law, this section  
29 shall be construed to regulate all activity that is not preempted.

30 **Sec. 45.45.830. Unavailable parts.** A digital product manufacturer is not  
31 required to make a part available under AS 45.45.800 - 45.45.899 if the part is no

1 longer available to the manufacturer.

2 **Sec. 45.45.840. Terms of providing documentation, parts, and tools. (a)**

3 Except as provided in AS 45.45.845 and (b) and (c) of this section, a digital product  
4 manufacturer shall make available to an independent service provider or owner of the  
5 product

6 (1) documentation required under AS 45.45.800 - 45.45.899 without  
7 charge, except that, if the provider or owner requests a physical copy of the  
8 documentation, the manufacturer may charge the provider or owner for the reasonable,  
9 actual cost of preparing and sending a copy of the documentation;

10 (2) parts required under AS 45.45.800 - 45.45.899, directly or through  
11 an authorized service provider, on terms that are the same as the most favorable terms  
12 the manufacturer provides to an authorized service provider of the manufacturer;

13 (3) the tools required under AS 45.45.800 - 45.45.899 without

14 (A) charge, except that, if the provider or owner requests a tool  
15 in physical form, the manufacturer may charge the provider or owner for the  
16 reasonable, actual costs of producing, preparing, and sending the tool;

17 (B) impeding access or use of the tool to diagnose, maintain, or  
18 repair and enable full functionality of the digital product;

19 (C) impeding the efficient and cost-effective use of the  
20 diagnostic, maintenance, or repair functions of the tool; and

21 (4) upon request, product information and repair materials the  
22 manufacturer provides to an authorized service.

23 (b) A digital product manufacturer may not charge an independent service  
24 provider or an owner a price that is greater than the price the manufacturer charges its  
25 authorized service provider, after discounts, rebates, and other incentive programs, to  
26 make the same documentation, part, or tool available.

27 (c) Notwithstanding (a)(2) and (b) of this section, a digital product  
28 manufacturer shall, directly or through an authorized service provider, provide parts to  
29 an owner or independent service provider on terms and at costs that are reasonable  
30 considering the conditions agreed on, the quality of the parts, and the timeliness of the  
31 delivery, for a digital product that is

- 1 (1) power-sports equipment;
- 2 (2) power-driven farm, forestry, construction, industrial, utility,
- 3 mining, road-building, material-handling, or similar equipment; or
- 4 (3) a stand-alone or mobile engine, generator, battery bank or other
- 5 power producing or storing device.

6 **Sec. 45.45.845. Commercial and industrial equipment.** Notwithstanding  
 7 AS 45.45.840, a manufacturer of a digital product that is commercial or industrial  
 8 equipment may

9 (1) notwithstanding AS 45.45.840, require reasonable training or  
 10 certification of an independent service provider or owner of the product, or  
 11 verification of the independent service provider's or owner's competency, before  
 12 providing the independent service provider or owner with access to specialized  
 13 documentation, tools, or other information that allows a person to modify the product's  
 14 safety or critical systems;

15 (2) provide an independent service provider or owner of the product  
 16 with access to a product's secure systems, including by way of remote authorization or  
 17 through a controlled software platform; and

18 (3) offer to an independent service provider or owner of the product  
 19 parts for the product as an assembly, rather than individual components, if the  
 20 manufacturer provides those parts as an assembly to an authorized service provider.

21 **Sec. 45.45.850. Independent service provider.** A person is considered to be  
 22 an independent service provider under AS 45.45.800 - 45.45.899 if the person

23 (1) engages in the business of diagnosis, maintenance, or repair of  
 24 digital products in the state; and

25 (2) is not a digital product manufacturer, does not have a license or  
 26 contract with a digital product manufacturer under AS 45.45.860(a), and is not  
 27 affiliated with a person that has a license or contract with a digital product  
 28 manufacturer under AS 45.45.860(a).

29 **Sec. 45.45.860. Authorized service provider.** (a) A person is an authorized  
 30 service provider under AS 45.45.800 - 45.45.899 if the person has a

31 (1) license to use a trade name, service mark, or other proprietary

1 identification of the digital product manufacturer to offer diagnosis, maintenance, or  
2 repair of digital products under the name of the digital product manufacturer; or

3 (2) contract that is not described in (1) of this subsection with the  
4 digital product manufacturer to provide diagnosis, maintenance, or repair of digital  
5 products that are manufactured by the digital product manufacturer.

6 (b) A digital product manufacturer that offers the services of diagnosis,  
7 maintenance, or repair of its own digital products is considered an authorized service  
8 provider for those products for the purposes of AS 45.45.800 - 45.45.899.

9 **Sec. 45.45.870. Trade secrets.** Nothing in AS 45.45.800 - 45.45.899 may be  
10 construed to require a digital product manufacturer to disclose a trade secret to an  
11 independent service provider or an owner. In this section, "trade secret" has the  
12 meaning given in AS 45.50.940.

13 **Sec. 45.45.880. Limitations on application and liability.** (a) An agreement  
14 that waives, restricts, or otherwise limits the obligations of a digital product  
15 manufacturer under AS 45.45.800 - 45.45.899 is void and unenforceable.

16 (b) A digital product manufacturer or authorized service provider may not be  
17 held civilly liable for damages or injuries caused by an independent service provider  
18 or owner during the course of the independent service provider's or owner's diagnosis,  
19 maintenance, or repair of the product.

20 **Sec. 45.45.890. Interpretation.** Nothing in AS 45.45.800 - 45.45.899 may be  
21 construed to

22 (1) require a digital product manufacturer or an authorized service  
23 provider to make available to an independent service provider or an owner the  
24 information, other than documentation, that a digital product manufacturer makes  
25 available to an authorized service provider under a license or other contract described  
26 in AS 45.45.860(a); or

27 (2) alter, impair, or supersede the terms of a lease or commercial  
28 contract.

29 **Sec. 45.45.895. Exemptions.** (a) The provisions of AS 45.45.800 - 45.45.899  
30 do not apply to

31 (1) a digital product that is a medical device intended for use in the

1 diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or  
2 prevention of disease, in humans or animals;

3 (2) the diagnosis, maintenance, or repair of a digital product that is a  
4 motor vehicle or a part for a motor vehicle; or

5 (3) a digital product that is

6 (A) a fire alarm or other life safety system;

7 (B) a physical intrusion detection system monitored by a  
8 person providing a security service; or

9 (C) physical access control equipment, including electronic  
10 keypads and building access systems.

11 (b) In this section, "medical device" has the meaning given to "device" in 21  
12 U.S.C. 321(h)(1).

13 **Sec. 45.45.899. Definitions.** In AS 45.45.800 - 45.45.899,

14 (1) "authorized service provider" means a person that is an authorized  
15 service provider under AS 45.45.860;

16 (2) "digital product" means a product that depends for its functioning,  
17 in whole or in part, on digital electronics embedded in or attached to the product;

18 (3) "digital product manufacturer" means a person engaged in the  
19 business of selling, leasing, or otherwise supplying new digital products manufactured  
20 by or on behalf of the person to another person;

21 (4) "documentation" means a manual, diagram, reporting output,  
22 service code description, schematic diagram, security code, password, or other  
23 guidance or information used in effecting the services of diagnosis, maintenance, or  
24 repair of a digital product;

25 (5) "independent service provider" means a person that is an  
26 independent service provider under AS 45.45.850;

27 (6) "motor vehicle" means a vehicle designed for transporting persons  
28 or property on a street or highway and certified by the manufacturer under all  
29 applicable federal emissions standards and requirements for distribution and sale in the  
30 United States;

31 (7) "owner" means a person who owns or leases a digital product;

1 (8) "part" means a new or used replacement part that a digital product  
2 manufacturer makes available for the maintenance or repair of the product;

3 (9) "powersports equipment"

4 (A) includes an all-terrain vehicle, a personal watercraft,  
5 snowmobile, or similar vehicle or craft, and attachments and repair parts for  
6 powersports equipment;

7 (B) does not include a motor vehicle required to be registered  
8 under AS 28.10;

9 (10) "tool" includes a software program, hardware implement, or other  
10 apparatus used for diagnosis, maintenance, or repair of a digital product, including  
11 software or other mechanisms that calibrate, update, program, pair new parts, or  
12 otherwise perform a purpose that ensures the product's functionality.

13 \* **Sec. 3.** AS 45.50.471(b) is amended by adding a new paragraph to read:

14 (58) violating AS 45.45.800 - 45.45.899 (digital product diagnosis,  
15 maintenance, and repair).

16 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 **APPLICABILITY.** This Act applies to a digital product that is sold or leased in the  
19 state on or after the effective date of this Act. In this section, "digital product" has the  
20 meaning given in AS 45.45.899.

21 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
22 read:

23 **SAVING CLAUSE.** This Act may not be construed to change the terms of a license or  
24 contract that is in effect immediately before the effective date of this Act.

25 \* **Sec. 6.** This Act takes effect January 1, 2027.