

ALASKA STATE LEGISLATURE

REPRESENTATIVE MAXINE DIBERT

House District 31- Downtown Fairbanks



Session Contact
State Capitol, Room 126
Juneau, AK 99801-1182
(907) 465-2138

Interim Contact
1292 Sadler Way, Ste. 306
Fairbanks, AK 99701
(907) 451-4347

Chair Tribal Affairs Committee
Co-Chair House Resources Committee
House Education Committee
Joint Armed Services Committee

House Bill 162 Sectional Analysis Version T

Section 1. Establishes the short title.

Section 2. Amends AS 45.45 Trade Practices by adding Article 12A. Digital Product Repair and the following sections:

Sec. 45.45.800 requires that digital product manufacturers:

- Make documentation, parts, and tools necessary for diagnosis, maintenance, or repair of digital products available to independent service providers or owners of their products.
- Include changes to documentation, parts and tools made through updates, improvements, or repairs.

Sec. 45.45.810 requires digital product manufacturers to make available documentation, tools, and parts needed to reset security-related features that may be disabled during the diagnosis, maintenance, or repair of the product.

Sec. 45.45.820 bans parts pairing and similar practices, exempts manufacturers from having to provide measures that override security or anti-theft mechanisms, and clarifies that the bill only regulates that which is not preempted by federal law.

Sec. 45.45.830 states that digital product manufacturers don't have to make parts available if they no longer have access to the parts.

Sec. 45.45.840 requires digital product manufacturers to make documentation, parts, and tools available to independent service providers or owners of the products at a reasonable price. Manufacturers cannot charge independent service providers or owners a price higher than what they charge authorized service providers for the same documentation, parts, or tools. Exempted from the independent service provider requirement are:

- Powersports equipment;
- Power-driven farm, forestry, construction, industrial, utility, mining, road-building, material-handling, and other similar equipment; and
- Power producing and storing devices.

Sec 45.45.845 states that commercial and industrial equipment manufacturers may:

- Require certification or verification of competency before providing access to materials that would alter a device's safety or critical systems.
- Provide independent repair providers and owners with access to a product's secure systems.

- Provide parts as an assembly rather than individual components.

Sec. 45.45.850 states that an independent service provider:

- Works in the business of diagnosis, maintenance, or repair of digital products in Alaska
- Is not a digital product manufacturer, doesn't have a contract or license with, and isn't affiliated with anyone who has a contract or a license with a digital product manufacturer.

Sec. 45.45.860 states that a person is an authorized service provider under AS 45.45.800-45.45.890 if they have:

- A license to offer digital product diagnosis, repair, or maintenance under the manufacturer's name, or
- A contract with a digital product manufacturer to provide diagnosis, repair, or maintenance of the manufacturer's products.

A digital product manufacturer who offers diagnosis, maintenance, or repair of its own products is considered an authorized service provider for the purposes of AS 45.45.800-45.45.890.

Sec. 45.45.870 states that digital product manufacturers don't have to disclose trade secrets to independent service providers or owners.

Sec. 45.45.880 states that:

- Agreements that waive, restrict, or limit obligations of digital product manufacturers are not enforceable.
- Digital product manufacturers cannot be held liable for injuries or damages that occur during diagnosis, maintenance, or repair of products by independent service providers or owners.

Sec. 45.45.890 states that information other than product documentation in a license or contract between digital product manufacturers and authorized service providers isn't required to be made available to independent service providers or owners and clarifies that the bill does not alter, impair, or supersede the terms of a lease or commercial contract.

Sec. 45.45.895 provides the exemptions for:

- A digital product that is a medical device, life safety systems, physical intrusion detection systems monitored by a person providing a security service, and physical access control equipment.
- The diagnosis, maintenance, and repair of a digital product that is a motor vehicle or motor vehicle part.

Sec. 45.45.899 provides definitions.

Section 3. Amends AS 45.50.471(b) by adding violations of HB 162 Digital Product Repair statutes AS 45.45.800-45.45.890 to the list of unfair methods of competition and unfair or deceptive acts or practices declared to be unlawful.

Section 4. Amends the uncodified law of the State of Alaska by adding a section describing the applicability of this Act.

Section 5. Amends the uncodified law of the State of Alaska by adding a section stating the Act cannot change the terms of a license or contract that is in effect before the effective date of this Act.

Section 6. Provides the effective date of January 1, 2027.