
OLR Bill Analysis

sSB 3

AN ACT CONCERNING CONSUMER PROTECTION.

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BACKGROUND

SUMMARY

This bill makes various unrelated changes to consumer protection. Among other things, it:

1. declares it the public policy of the state to ensure (a) digital equity for all residents and (b) that all residents have access to broadband Internet access service that meets specified criteria (§ 1);
2. requires the Department of Consumer Protection (DCP) to develop, establish, and administer the Net Equality Program (§ 2);
3. prohibits businesses that offer to sell, lease, or provide consumer goods or services to consumers from advertising, displaying, or offering them for a price that does not include all fees, charges, or costs, excluding applicable taxes (§ 3);
4. generally prohibits, beginning on October 1, 2024, a public entity from purchasing a drone assembled or manufactured by a covered entity (e.g., China or Russia) and then beginning October 1, 2025, prohibits their operation (§ 4);
5. establishes requirements on entities that provide, or collect information from, voice recognition features on Internet-connected devices that have microphones (e.g., cellular telephones) (§ 5);
6. requires DCP to develop, by January 1, 2026, a procedure through which a broadband Internet access service provider that provides fixed or mobile broadband Internet access service in the state must submit to DCP, at least annually, a registration and

certification that the provider complies with the bill's net neutrality principles (§ 6);

7. prohibits a streaming service provider from charging a subscriber after cancellation and requires the provider to give a pro rata rebate for unused days (§ 7); and
8. requires certain electronic or appliance manufacturers to make available, on fair and reasonable terms, products' repair manuals, functional parts, and tools (§ 8).

EFFECTIVE DATE: Various; see below.

§ 1 — PUBLIC POLICY ON BROADBAND INTERNET ACCESS

Declares the state's public policy for digital equity and broadband Internet access

This bill declares it the public policy of the state to ensure (1) digital equity for all residents and (2) that all residents have access to broadband Internet access service that meets specified criteria. By law, "digital equity" is when all individuals and communities have the information technology capacity to participate in society, democracy, and the state's economy (CGS § 16-330a).

Under this declared public policy, the broadband Internet access service available to residents must do the following:

1. be sufficient, reliable, and fast enough to facilitate economic prosperity, education, government, healthcare, and public safety;
2. be commonly available everywhere in the state and on tribal land;
3. be affordable regardless of a resident's household income or location in the state;
4. provide educational opportunities and support digital skills proficiency to ensure residents have access to opportunities to thrive in a digital world;
5. ensure public safety and assure residents that they have reliable

- access to emergency response and emergency alert system services in the event of emergencies or disasters;
6. improve residents' quality of life by advancing their economic status through access to educational, health care, and new job opportunities;
 7. support economic prosperity by ensuring that all entrepreneurs, workers, businesses, employers, enterprises, and start-ups have access to broadband Internet access service that optimizes the value of their contributions to the economy so that Connecticut remains economically competitive on the global stage;
 8. attract capital investment to the state;
 9. support innovation and research in Connecticut by ensuring that broadband Internet infrastructure connects all research intuitions in the state to sustain world-class research and innovation that drives economic prosperity; and
 10. empower and enable participation in the democratic process so that all residents can participate in government, online educational opportunities, and telehealth activities for their quality of life and public safety.

The bill also declares the following as the public policy of the state:

1. determining minimum speeds for broadband Internet access service should be performance based to support online educational opportunities, telehealth, and remote work by a majority of households simultaneously, with the assumption that there is an increasing need for symmetrical network speeds;
2. public broadband investments are prioritized to connect entire communities and address digital redlining in historically unserved and underserved communities; and
3. to the extent technically feasible, allow all broadband Internet access service subscribers, within a service provider's territory,

to be able to subscribe to a service with comparable (to other subscribers) capacities, latency, speeds, and quality-of-service metrics and on comparable terms and conditions.

The bill specifies that it does not create a private right of action against the state to enforce any of the above provisions or oblige the state to enforce any of them.

EFFECTIVE DATE: Upon passage

§ 2 — NET EQUALITY PROGRAM

Requires DCP to develop, establish, and administer the Net Equality Program; prohibits most state agencies from doing business with noncompliant service providers

The bill requires DCP to develop, establish, and administer the Net Equality Program. The program must monitor progress toward meeting the objectives of ensuring that at least (1) 90% of eligible households receive affordable broadband Internet access service (i.e., affordable broadband) by January 1, 2025, and (2) 95% of eligible households receive affordable broadband by January 1, 2028.

Definitions

Under the bill, “affordable broadband Internet access service” is broadband Internet access service that can transmit and receive data from an Internet endpoint in a household, costs no more than \$40 per month, and meets minimum speed requirements (generally, 25 megabits per second (MPS) download speed and 3 MPS upload speed).

“Eligible household” means a (1) resident of a group home or congregate care facility that participates in a qualified public assistance program and (2) household in which at least one resident participates in a qualified public assistance program, that are located in a qualified broadband Internet access service provider’s territory in the state.

“Qualified public assistance program” includes the following Department of Social Services programs: low-income home energy assistance, temporary assistance for needy families, and supplemental nutrition assistance programs, state supplemental security income program, Husky Health (e.g., Medicaid). It also includes the Covered

Connecticut health insurance program, the National School Lunch Program, and any program that provides need-based financial aid for post-secondary education.

Program Requirements

The bill requires each qualified broadband Internet service provider (i.e., a provider that does business in the state and with any state agency) to do the following:

1. beginning on October 1, 2024, allow any eligible household to immediately convert to affordable broadband during any month in which the household qualifies for it;
2. by October 1, 2024, establish and maintain a telephone number that eligible households may use to contact trained personnel to sign up for affordable broadband within 30 minutes after the start of the call;
3. by December 31, 2024, and then annually, hold a public meeting with key stakeholders to (1) explore options to establish and advance strategic and effective public-private partnerships and (2) ensure that at least 90% of eligible households receive affordable broadband by January 1, 2025, and at least 95% of them receive it by January 1, 2028;
4. by April 1, 2025, and then annually, submit to DCP a report disclosing the (1) number of eligible households that signed up for affordable broadband from the provider during the reporting year and (2) total number of eligible households that received affordable broadband from the provider during the reporting year; and
5. by October 1, 2024, place advertisements with public and nongovernmental organizations, in print and online in multiple languages, the availability of (1) affordable broadband from the provider and (2) the Federal Communication Commission's (FCC) Affordable Connectivity Program or an equivalent program the FCC offers.

Under the bill, each advertisement required must include the telephone number eligible households may use to contact trained personnel to sign up for affordable broadband within 30 minutes following the start of the call.

Additionally, the bill allows each qualified provider to stop the advertisements if a reputable statewide survey demonstrates that at least (1) 80% of eligible households are aware that affordable broadband is available or (2) 95% of eligible households are connected to the Internet at home.

Service Speeds

The bill requires that all affordable broadband provided under the bill's provisions provide, at minimum, 25 MPS download speed and 3 MPS upload speed. In all cases, service speeds and latency must be sufficient to support distance learning and telehealth services.

The bill allows the DCP commissioner to approve a deviation from the service speed requirements to comply with applicable state or federal law. However, it prohibits him from approving any deviation that would provide affordable broadband service speeds that are slower than 25 MPS download and 3 MPS upload speeds.

Conducting Business With State Agencies

The bill generally prohibits state agencies, beginning October 1, 2024, from doing business, or entering into procurement contracts, with a broadband Internet access service provider doing business in the state unless the provider offers affordable broadband to eligible households as required by the bill. Under the bill, "state agency" is any office; department; board; council; commission; institution; constituent unit of the state's higher education system; technical education and career school; or other executive, legislative, or judicial branch agency.

The bill states that it does not impair any contract that exists on October 1, 2024. Further, it exempts the Department of Emergency Services and Public Protection from this restriction.

EFFECTIVE DATE: July 1, 2024

§ 3 — TOTAL PRICE DISCLOSURE

Requires businesses advertising, displaying, or offering any consumer good or consumer service in the state to include all fees, charges, and costs, other than taxes, in the total price, and prohibits deceptive fees

Total Price Disclosure

The bill prohibits businesses that offer to sell, lease, or provide consumer goods or services to consumers from advertising, displaying, or offering them for a price that does not include all fees, charges, or costs, excluding applicable taxes. It also prohibits businesses from requiring consumers to pay deceptive fees to purchase, lease, or receive consumer goods or services.

Under the bill, a “deceptive fee” is a fee, charge, or cost that (1) a consumer must pay to purchase, lease, or receive a consumer good or service and (2) is not displayed to the consumer before the good or service is selected or is intentionally obscured, unclear, or misrepresented to mislead a consumer.

Exceptions

However, the bill does not prohibit businesses from imposing or omitting fees, charges, or other costs on the advertised, displayed, or offered price of consumer goods or services if the additional cost:

1. depends on a consumer’s selection;
2. cannot feasibly be calculated in full when the price is first advertised, displayed, or offered; and
3. is disclosed to the consumer before the consumer purchases the good or service.

Additionally, the bill states that it does not impose liability on businesses that facilitate motor vehicle rentals or hotel or motel guest room occupancy (e.g., third-party online reservation services) for any consumer transactions if the (1) business facilitates a motor vehicle rental or hotel or motel occupancy and (2) person providing the rental or occupancy imposes a fee, charge, or cost without the facilitating business’s knowledge.

The bill's total price disclosure requirement also does not apply to any transactions or actions permitted under state or federal law, as administered by regulatory boards or officers acting under statutory authority.

Tracking and Disclosing Violations

The bill requires DCP to (1) maintain a record of each violation of the total price disclosure requirement that it has knowledge of and (2) within available appropriations, develop, establish, and maintain a publicly accessible online portal to notify consumers of the violations.

Penalty

Under the bill, a violation of the total price disclosure requirement is an unfair or deceptive trade practice under the Connecticut Unfair Trade Practices Act (CUTPA) (see BACKGROUND).

EFFECTIVE DATE: October 1, 2024

§ 4 — DRONES FROM CERTAIN FOREIGN ENTITIES PROHIBITED

Generally prohibits, beginning on October 1, 2024, a public entity from purchasing a drone assembled or manufactured by a covered entity (e.g., China or Russia); beginning October 1, 2025, prohibits public entities from operating these drones

The bill generally prohibits, beginning on October 1, 2024, a public entity from purchasing a small unmanned aircraft system (i.e., drone) assembled or manufactured by a covered foreign entity. (It specifies this prohibition does not impair any contract entered before this date.) Beginning on the same date, the bill also prohibits state funds, including contract, cooperative agreement, or grant funding, from being used to purchase, operate, or repair them.

The bill prohibits, beginning October 1, 2025, public entities from operating these drones.

Covered Entities and Drones

Under the bill, a “public entity” means (1) the state of Connecticut, any state agency, municipality, and any political subdivision of the state, and (2) any person that contracts with these entities.

A “person” means any individual, association, corporation, limited liability company, partnership, trust, government, governmental subdivision, agency, instrumentality, or other legal entity.

A “covered foreign entity” means:

1. any person on the federal Consolidated Screening List or Entity List (15 C.F.R. Part 744, Supp. 4);
2. the People’s Republic of China, the Russian Federation, and any of their governmental subdivisions, agencies, or instrumentalities;
3. any person domiciled in, or under the control or influence of, these countries; and
4. any affiliate or subsidiary of any foreign government or person described above.

A “small unmanned aircraft system” (drone) means any unmanned, powered aircraft weighing less than 55 pounds, including anything attached to or carried by it, that is operated without the possibility of direct human intervention from within or on the aircraft. It also includes all (1) elements associated with the aircraft, (2) elements required for the operator to operate the aircraft safely and efficiently in the national airspace system, and (3) communication links and components that control the aircraft.

Waiver

The bill allows the Office of Policy and Management (OPM) secretary to waive the purchase and funding prohibitions, but not the operating prohibition, if:

1. the person seeking the waiver submits an application specifying the need for the waiver and a \$40 application fee and
2. the secretary reviews the application and decides the waiver is needed due to exigent circumstances, to counter another drone, or for criminal investigation purposes.

He must then submit notice of the waiver and the reasons for it to the General Law Committee.

Plan to Discontinue

The bill requires, by October 1, 2024, any public entity that operates a drone assembled or manufactured by a covered entity to submit to OPM, in a secretary-prescribed way, a (1) comprehensive plan to discontinue drone operations and (2) \$20 processing fee.

Under the bill, OPM must adopt rules specifying the comprehensive plan requirements.

EFFECTIVE DATE: July 1, 2024

§ 5 — VOICE RECOGNITION FEATURE DISPLAYS AND DISCLOSURES

Requires (1) connected device providers (e.g., cellular phone manufacturers) to prominently display and disclose certain information about the device's voice recognition feature before activating the feature and (2) anyone who records and transmits any personally identifying information collected through a connected device's microphone to use reasonable security measures; deems a violation a CUTPA violation

The bill establishes requirements for certain entities that provide, or collect information from, voice recognition features on an Internet-connected device that has a microphone (“device”) (e.g., a cellular telephone, computer, home appliance, motor vehicle, tablet, television, toy, or video game console). It specifies information they must disclose to consumers and measures they must take to protect personally identifiable information. It also prohibits, among other things, requiring device manufacturers to build features that allow law enforcement to monitor communications through voice recognition features.

The bill makes any violation of its requirements or prohibitions a CUTPA violation.

Displays

The bill requires device providers (e.g., manufacturers or sellers) to prominently display certain information about a device’s voice recognition feature when the initial consumer, or someone on the consumer’s behalf, first sets up the device. If they do not display this

information, providers may not allow consumers to activate the device's voice recognition feature (i.e., a function that enables the device to collect, record, store, analyze, interpret, transmit, or otherwise use any spoken word or other sound). A "provider" is an individual or legal entity doing business in this state, including a manufacturer, who sells, leases, or otherwise provides a device to the initial consumer.

The bill requires these providers to display a statement disclosing the following:

1. the connected device includes a microphone that will be enabled or turned on,
2. the device might record the consumer,
3. the device or device's manufacturer might retain recordings,
4. commands or actions that activate or enable the microphone,
5. the categories of sounds that (a) the microphone will listen for or record or (b) might be disclosed to a person other than the consumer, and
6. the categories of individuals to whom the sounds may be disclosed.

Personally Identifying Information

The bill requires anyone who records and transmits any personally identifying information collected through a device's microphone to use and maintain reasonable security measures to protect the information from any unauthorized access, acquisition, destruction, disclosure, modification, or use.

Under the bill, "personally identifying information" is an individual's birthday, mother's maiden name, driver's license number, Social Security number, health insurance identification number, financial account number, security code or personal identification number, or government-issued identification number that is not otherwise made directly available to the public.

Existing law similarly requires anyone who possesses another person's personal information to safeguard it from misuse by third parties. Willful violators may be subject to civil penalties of \$500 for each violation, up to \$500,000 for any single event (CGS § 42-471).

Prohibitions

The bill prohibits device manufacturers or their contractors from using or selling any recordings collected through a voice recognition feature for advertising purposes.

The bill also prohibits anyone from compelling a device manufacturer, or any other person operating the voice recognition feature, to build specific features to allow a law enforcement agency or officer to monitor communications through the feature.

The bill also specifies that it does not:

1. impose any liability on a device manufacturer for any application functions that an initial consumer (a) downloads and installs or (b) chooses to use on a network of remote servers hosted on the Internet to store, manage, and process data;
2. authorize disclosure of any recording retained by a manufacturer to another person, including a law enforcement agency or officer, unless another law or a court order authorizes it; or
3. modify, limit, or supersede any other privacy or security law.

EFFECTIVE DATE: October 1, 2024

§ 6 — NET NEUTRALITY COMPLIANCE

Requires DCP to develop a procedure to certify that broadband Internet access service providers are abiding by recognized net neutrality best practices while providing service to consumers in the state

Registration and Certification

The bill requires DCP to develop, by January 1, 2026, a procedure through which a broadband Internet access service provider that provides fixed or mobile broadband Internet access service in the state must submit to DCP, at least annually, a registration and certification

that the provider complies with the bill's net neutrality principles.

Beginning April 1, 2026, the DCP commissioner must issue a certificate of net neutrality compliance to any provider who submits a registration and certification that shows the provider complies with certain disclosure requirements (see below) and does not do the following:

1. block lawful content or nonharmful devices subject to reasonable network management practices that the provider has disclosed to consumers;
2. impair or degrade lawful Internet traffic on the basis of content, or the use of nonharmful devices, subject to reasonable network management practices that the provider has disclosed to consumers;
3. engage in paid prioritization (see below);
4. unreasonably interfere with or unreasonably disadvantage (a) a customer's ability to select, access, and use broadband Internet access service or lawful content or devices of the customer's choice or (b) the ability of an edge provider (i.e., anyone who provides (i) content over the Internet or (ii) a device used to access content) to make lawful content or devices available to a customer; and
5. engage in any deceptive or misleading marketing practice that misrepresents to customers the treatment of Internet traffic or content.

Under the bill, a "reasonable network management practice" is any network management practice that (1) is primarily justified as technical network management or (2) the DCP commissioner determines is primarily used for, and tailored to, achieving a legitimate network management purpose, considering the service's network architecture and technology.

"Paid prioritization" is the management of a provider's network to,

directly or indirectly, favor some content or traffic over other content or traffic. This includes, among other things, the use of techniques such as traffic shaping, prioritization, resource reservation, or any form of preferential content or traffic management in exchange for money or other consideration from a third party or to benefit any entity affiliated with the provider.

Paid Prioritization Waiver

The bill authorizes the DCP commissioner to waive the prohibition on paid prioritization if a provider can show, and the commissioner finds, that the practice would provide a significant public benefit and would not harm the open nature of the Internet in Connecticut.

Disclosure to Consumers Required

The bill requires a provider engaged in providing fixed or mobile broadband Internet access service in the state to publicly disclose to consumers accurate information about the provider’s network management practices, performance, and commercial terms of the provider’s services. The disclosure must be sufficient for a (1) consumer to make informed choices about the consumer’s use of the services and (2) developer of content, or device provider, to develop, market, and maintain Internet offerings.

Consumer Complaints

The bill authorizes any broadband Internet access service end user to file a complaint with DCP alleging noncompliance with the bill’s net neutrality principles. When DCP receives a complaint, DCP must record the complaint and may initiate a review of the provider’s performance. The DCP commissioner, or his designee, must conduct a contested case hearing under the Uniform Administrative Procedure Act, if he finds that the provider failed to comply with the net neutrality principles. After a hearing, the commissioner or his designee may issue orders to enforce the bill’s provisions.

Penalty

The bill authorizes the DCP commissioner, or his designee, to assess a civil penalty of up to \$10,000 per violation against the provider if they

violate the net neutrality provisions.

Bill Interpretation Guidance

The bill states that it does not supersede or limit any existing obligation or authorization of a provider that provides fixed or mobile broadband Internet access services to address the needs of emergency communications, law enforcement, public safety, or national security authorities consistent with or permitted by law.

Additionally, the bill does not prohibit reasonable efforts by a provider to address copyright infringement or other unlawful activity.

The bill also requires that the terms and definitions in this section must be interpreted broadly, and any exceptions interpreted narrowly, using relevant FCC orders, advisory opinions, rulings, and regulations as persuasive guidance.

EFFECTIVE DATE: January 1, 2025

§ 7 — STREAMING SERVICE CANCELLATIONS

Prohibits a streaming service provider from charging a subscriber for any streaming service after the date the subscriber cancels the service and requires the provider to give a pro rata rebate for unused days after cancellation

The bill prohibits a streaming service provider from charging a subscriber for any streaming service after the date the subscriber cancels the service. If the subscriber cancels it before the last day in the monthly billing period, the provider must provide the subscriber a pro rata rebate for all the days left in the period after the subscriber made the request.

Under the bill, a “streaming service provider” is an individual, association, corporation, limited liability company, partnership, trust, or other legal entity doing business in the state that offers or provides a streaming service to a subscriber. A “streaming service” is a service that (1) is available on a subscription basis and (2) delivers audio, video, or both in a compressed form over the Internet in real time.

EFFECTIVE DATE: October 1, 2024

§ 8 — RIGHT-TO-REPAIR

Requires certain electronic or appliance manufacturers to make available, on fair and reasonable terms, products' repair manuals, functional parts, and tools; deems a violation a CUTPA violation

Regardless of any other state law, the bill requires electronic or appliance product manufacturers to make available certain resources needed to diagnose, maintain, or repair their products. Under it, manufacturers must make these resources available on fair and reasonable terms (see below) to the product's owners, service and repair facilities, and service dealers.

The bill's requirements apply to certain electronic or appliance products that are first manufactured, sold, or used in Connecticut on or after January 1, 2025 ("products"). For these products, the manufacturer must make the following resources available if it makes them available to an "authorized repair provider" (see below):

1. documentation (e.g., product diagrams, manuals, reporting outputs, schematics, service code descriptions, or similar information);
2. functional parts (e.g., new or used replacement components); and
3. tools (e.g., hardware, software, or other apparatus to calibrate or repair a product, including updates).

The bill requires each manufacturer to make these resources available for different lengths of time, depending on the product's wholesale price to a retailer (or in any sale other than a direct sale). They must provide these resources:

1. for at least three years after the last date it manufactured the product's model or type if the product's wholesale price is between \$50 and \$99.99 and
2. for at least seven years afterward if the product's wholesale price is at least \$100.

The bill specifies that these time periods apply even if they exceed the

product's warranty periods.

Under the bill, an "authorized repair provider" means a person (i.e., individual or entity) who is unaffiliated with a manufacturer and has an arrangement under which the:

1. manufacturer grants the person a license to use a trade name, service mark, or other proprietary identifier to offer diagnostic, maintenance, or repair services for products under the manufacturer's name or
2. person offers diagnostic, maintenance, or repair services for products on the manufacturer's behalf.

An authorized repair provider includes a manufacturer for its own electronic or appliance products, if the manufacturer (1) offers diagnostic, maintenance, or repair services for the product and (2) does not have an arrangement with an unaffiliated person to provide these services.

A "product" includes any antenna, electronic set, major home appliance (e.g., dishwasher, microwave, or air conditioner), or rotator that is sold through any method other than a direct retail sale. It does not include any alarm system; motor vehicle or any component used to maintain, manufacture, or repair it; or video game console.

An "electronic set" includes any audio or video recorder or playback equipment, computer system, fax machine, photocopier, radio, television, video camera, or video monitor that is normally used or sold for personal, family, household, or home office use. A "rotator" includes an electromechanical device, used in an antenna installation or repair, that is operated from a remote location to rotate an antenna on a horizontal plane.

Fair and Reasonable Terms

Under the bill, the product manufacturer must make the required resources available on fair and reasonable terms, meaning at costs and on terms that are equal to the most favorable costs and terms it offers to

authorized repair providers, accounting for any incentives or preferences (e.g., discounts, rebates, convenient and timely means of delivery, means of enabling fully restored and updated functionality, or rights of use) it offers the provider.

Additionally, the manufacturer must provide for free (1) documentation, including any relevant updates, and (2) tools, without imposing any barriers to accessing or using them in an efficient and cost-effective way. The manufacturer may, however, charge for its reasonable, actual costs to prepare and send physical versions of the tools and documentation, if requested.

If a manufacturer does not use an authorized repair provider, the bill instead requires it to make these resources available at a price that reflects the actual costs it incurred to prepare and deliver the resources, excluding any research and development costs.

Disclosure by Dealers or Services That Are Not Authorized Repairers

Under the bill, service dealers or service and repair facilities that are not authorized repair providers for a manufacturer must, before repairing a product, give the customer written notice disclosing:

1. that the dealer or facility is not an authorized repair provider for the product and
2. whether the dealer or facility uses any (a) used replacement parts or (b) replacement parts provided by a supplier other than the product manufacturer.

Liability

Under the bill, a manufacturer or authorized repair provider is generally not liable for any damage or injury caused to any electronic or appliance product, person, or property due to a diagnosis, maintenance, modification, or repair an owner or service dealer performs. This includes any (1) indirect, incidental, special, or consequential damages; (2) loss of data, privacy, or profits; or (3) inability to use, or reduced functionality of, the product.

However, this does not apply to any design defect or manufacturing flaw that existed before, or independent of, any of the actions listed above.

Obligations

The bill specifies that its right-to-repair provisions do not require an electronic or appliance product manufacturer to do the following:

1. disclose any trade secret or license any intellectual property, including any copyright or patent, unless the disclosure or license is needed to comply with these provisions;
2. make available any special documentation, tools, or parts that would disable or override antitheft security measures the owner sets on any product without the owner’s authorization;
3. sell any part if the manufacturer no longer (a) provides the part or (b) makes the part available to authorized repair providers; or
4. allow distribution of the source code for an electronic or appliance product.

Under existing law and the bill, a “trade secret” is information, including a formula, pattern, compilation, program, device, method, technique, process, drawing, cost data, or customer list that (1) derives actual or potential independent economic value from not being generally known to, and not being readily ascertainable by proper means by, other individuals who can get economic value from its disclosure or use and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy (CGS § 35-51).

The bill also does not require a covered manufacturer that is also an authorized repair provider to make any documentation or tools available that:

1. it exclusively uses to perform free diagnostic services for customers remotely (e.g., using the Internet, email, telephone, or a chat function), unless the manufacturer also makes them

available to any unaffiliated person, or

2. are exclusively used by machines that simultaneously repair several electronic or appliance products, as long as the manufacturer makes available alternative documentation and tools that are sufficient to diagnose, maintain, or repair the product.

The right-to-repair provisions also do not apply to a manufacturer if it gives its customers a free replacement product that is readily available and equivalent to, or better than, the replaced product.

Penalty

The bill deems a right-to-repair violation a CUTPA violation.

EFFECTIVE DATE: January 1, 2025

BACKGROUND

CUTPA

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the DCP commissioner to issue regulations defining an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

Related Bills

SB 15 (File 67), favorably reported by the General Law Committee, prohibits individuals and legal entities from advertising, displaying, or offering pricing for (1) event tickets and (2) consumer goods or services on food delivery platforms, lodging platforms, or primary or secondary ticket platforms unless they disclose the total price, including all mandatory fees or charges, other than taxes.

sSB 201 (File 156), favorably reported by the General Law Committee, requires anyone selling goods or services in the state to disclose their total price, including fees and charges other than taxes, and makes a violation an unfair or deceptive trade practice under CUTPA.

SB 231 (File 138), favorably reported by the Public Safety and Security Committee, requires the emergency services and public protection commissioner to administer a grant program for law enforcement units and fire departments to purchase drones.

sHB 5203, favorably reported by the Transportation Committee, requires auto dealers to include in a vehicle's price all charges and fees that a buyer must pay to purchase the vehicle, except that dealers may exclude taxes and other government-imposed charges.

sHB 5236 (File 103), § 25, favorably reported by the General Law Committee, among other things, allows DCP to impose a civil penalty of up to \$5,000 for CUTPA violations, after an administrative hearing.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 14 Nay 8 (03/12/2024)