



**Testimony of Lisa Volpe McCabe
In Opposition to Massachusetts House Bill 143 and Senate Bill 96**

**Before the Joint Committee on Consumer Protection and
Professional Licensure
September 26, 2017**

Senator L'Italien, Representative Chan and Members of the Committee, thank you for the opportunity to testify here today. I am here on behalf of CTIA®, the trade association for the wireless communications industry and we are here in opposition to House Bill 143 and Senate Bill 96. This legislation seeks government regulation of the relationship between original equipment manufacturers and equipment repair facilities.

HB143/SB 96 would mandate manufacturers of digital electronic products sold or used in Massachusetts to make available for purchase that equipment's diagnostic and repair information, software, tools and other parts to independent repair facilities and device owners.

HB 43/SB 96 are not necessary as consumers already have options for repairing phones and tablets in Massachusetts and throughout the country. Many manufacturers have programs that establish criteria and capabilities in which independent repair facilities can become authorized repair facilities. These authorized repair facilities work under contract with many manufacturers and providers to ensure repairs are made properly and safely. Their authorization to perform repairs ensures that the changes made to the devices are compatible with current technology and the networks on which they operate. These bills will harm the marketplace by weakening the relationship that manufacturers have with authorized repair facilities. Without the training and vetting of authorized service providers – implemented through enforceable legal contracts that ensure compliance and accountability that protect consumers – manufacturers would not be able to stand behind their work, warranties, technical support, ongoing training and business support.

We have strong concerns about the safety of the servicer who may cause himself or herself or others harm by doing certain repairs without proper training. There is also concern about the consumer whose personal property and safety may be endangered by repairs that are performed improperly. HB143/SB 96 could result in unintentional adverse impacts to the consumer. Improper repairs may also endanger networks and



peripheral equipment that may be connected to a repaired device, causing additional harm and safety issues.

Currently and historically, many electronics are produced as highly-integrated devices and therefore not made to be dismantled unless done so by properly trained personnel. Customer safety, security and privacy are fundamental goals in the design of electronic devices. Smartphones, computers, servers and other devices are constantly at risk from hackers and any weakening of those standards such as sharing sensitive diagnostic tools will increase risks to consumers. Additionally, there is also concern that independent service providers who may take risks or cut corners could put themselves or consumers themselves in danger if they perform service without the proper training or safety standards.

Proper repair is extremely detailed and complicated. Manufacturers and providers want to ensure that their products are serviced by professionals who understand the intricacies of their products and have spent time obtaining the specific knowledge necessary to safely repair the device and return it to the consumer without compromising those standards. Manufacturers have invested heavily in their brands and have gone to extraordinary lengths to maintain the quality of the device carrying that brand for the first owner and all others for the life of the device.

HB 143/SB 96 seek to establish inappropriate intervention in the marketplace. By mandating the distribution of electronic diagnostic and repair information to anyone who asks, in contravention to any established contractual relations, the marketplace is distorted unnecessarily. Because a vibrant repair marketplace already exists; one in which consumers already have choices regarding who repairs their electronic devices, government interference in the marketplace is not necessary. Therefore, we respectfully urge you not to advance HB143/SB 96.