

JAN 23 2026

---

## A BILL FOR AN ACT

RELATING TO THE RIGHT TO REPAIR.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. The purpose of this Act is to establish a right  
2 to repair for wheelchairs while establishing a legal framework  
3 to allow the later addition of other categories of devices.

4 SECTION 2. The Hawaii Revised Statutes is amended by  
5 adding a new chapter to be appropriately designated and to read  
6 as follows:

7 **"CHAPTER**

8 **RIGHT TO REPAIR**

9 **S -1 Definitions.** As used in this chapter:

10 "Authorized repair provider" means an individual or  
11 business who is unaffiliated with an original equipment  
12 manufacturer but has an arrangement with the original equipment  
13 manufacturer, for a definite or indefinite period, under which  
14 the original equipment manufacturer grants to the individual or  
15 business a license to use a trade name, service mark, or other  
16 proprietary identifier for the purposes of offering the services  
17 of diagnosis, maintenance, or repair of a covered device under



1 the name of the original equipment manufacturer, or other  
2 arrangement with the original equipment manufacturer to offer  
3 the services on behalf of the original equipment manufacturer.  
4 "Authorized repair provider", with respect to equipment,  
5 includes an original equipment manufacturer who offers the  
6 services of diagnosis, maintenance, or repair of its own covered  
7 device, and who does not have an arrangement described in this  
8 definition with an unaffiliated individual or business.

9 "Covered device" means any wheelchair. "Covered device"  
10 includes charging equipment and other related equipment for the  
11 use of the covered device.

12 "Documentation" means any manual, diagram, reporting  
13 output, service code description, schematic diagram, or similar  
14 kinds of information provided to an authorized repair provider  
15 for purposes of its effecting the services of diagnosis,  
16 maintenance, or repair of a covered device.

17 "Embedded software" means any programmable instructions  
18 provided on firmware delivered with a covered device, or with a  
19 part for the equipment, for purposes of equipment operation,  
20 including all relevant patches and fixes made by the  
21 manufacturer of the equipment or part for these purposes.



1        "Fair and reasonable terms" for obtaining a part, tool, or  
2 documentation means at costs and terms, including convenience of  
3 delivery and rights of use, equivalent to what is offered by the  
4 original equipment manufacturer to an authorized repair  
5 provider, using the net costs that would be incurred by an  
6 authorized repair provider in obtaining an equivalent part,  
7 tool, or documentation from the original equipment manufacturer,  
8 accounting for any discounts, rebates, or other incentive  
9 programs in arriving at the actual net costs. For  
10 documentation, including any relevant updates, "fair and  
11 reasonable terms" means at no charge, except that, when the  
12 documentation is requested in physical printed form, a charge  
13 may be included for the reasonable actual costs of preparing and  
14 sending the copy.

15        "Firmware" means a software program or set of instructions  
16 programmed on a covered device, or on a part for the equipment,  
17 to allow the equipment or part to communicate with other  
18 computer hardware.

19        "Independent repair provider" means an individual or  
20 business operating in the State, who:



1 (1) Does not have an arrangement with an original  
2 equipment manufacturer;  
3 (2) Is not affiliated with any individual or business who  
4 has an arrangement; and  
5 (3) Is engaged in the services of diagnosis, maintenance,  
6 or repair of a covered device,  
7 except that an original equipment manufacturer or, with respect  
8 to that original equipment manufacturer, an individual or  
9 business who has an arrangement with that original equipment  
10 manufacturer, or who is affiliated with an individual or  
11 business who has an arrangement with that original equipment  
12 manufacturer, shall be considered an independent repair provider  
13 for purposes of those instances in which it engages in the  
14 services of diagnosis, maintenance, or repair of a covered  
15 device that is not manufactured by or sold under the name of  
16 that original equipment manufacturer.

17 "Manufacturer of motor vehicle equipment" means a business  
18 engaged in the business of manufacturing or supplying components  
19 that are used in the manufacture, maintenance, or repair of a  
20 motor vehicle.



1        "Motor vehicle" means a vehicle that is designed for  
2        transporting persons or property on a street or highway and is  
3        certified by the motor vehicle manufacturer under all applicable  
4        federal safety and emissions standards and requirements for  
5        distribution and sale in the United States.

6        "Motor vehicle dealer" means an individual or business who,  
7        in the ordinary course of business, is engaged in the business  
8        of selling or leasing new motor vehicles to an individual or  
9        business pursuant to a franchise agreement, has obtained a  
10      license under section 437-2, and is engaged in the services of  
11      diagnosis, maintenance, or repair of motor vehicles or motor  
12      vehicle engines pursuant to that franchise agreement.

13        "Motor vehicle manufacturer" means a business engaged in  
14      the business of manufacturing or assembling new motor vehicles.

15        "Original equipment manufacturer" means a business engaged  
16      in the business of selling or leasing a new covered device  
17      manufactured by or on behalf of itself, to any individual or  
18      business.

19        "Owner" means an individual or business who owns or leases  
20      covered devices purchased or used in the State.



1        "Part" means any replacement part, either new or used, made  
2    available by an original equipment manufacturer for purposes of  
3    effecting the services of maintenance or repair of a covered  
4    device manufactured or sold by the original equipment  
5    manufacturer.

6        "Trade secret" has the same meaning as defined in  
7    section 482B-2.

8        **S -2 Requirements.** (a) For a covered device, and parts  
9    for the covered device, sold or used in the State, an original  
10   equipment manufacturer shall make available for purposes of  
11   diagnosis, maintenance, or repair to any independent repair  
12   provider or owner of a covered device manufactured by or on  
13   behalf of or sold by the original equipment manufacturer, on  
14   fair and reasonable terms, any documentation, parts, and tools,  
15   including any updates to information or embedded software.

16       Nothing in this section requires an original equipment  
17   manufacturer to make available a part if the part is no longer  
18   available to the original equipment manufacturer.

19       (b) For equipment that contains an electronic security  
20   lock or other security-related function, the original equipment  
21   manufacturer shall make available to the owner or independent



1 repair provider, on fair and reasonable terms, any special  
2 documentation, tools, and parts needed to reset the lock or  
3 function if the function is disabled in the course of diagnosis,  
4 maintenance, or repair of the equipment. The documentation,  
5 tools, and parts may be made available through appropriately  
6 secure release systems.

7       **S -3 Enforcement by attorney general.** Violation of any  
8 provision of this chapter shall be deemed an unfair practice  
9 under section 480-2. All remedies, penalties, and authority  
10 granted to the attorney general by chapter 480 shall be  
11 available to the attorney general in the enforcement of this  
12 chapter.

13       **S -4 Limitations.** (a) Nothing in this chapter shall be  
14 construed to require an original equipment manufacturer to  
15 divulge a trade secret to an owner or independent service  
16 provider except as necessary to provide documentation, parts,  
17 and tools on fair and reasonable terms.

18       (b) No provision of this chapter shall be construed to  
19 alter the terms of any arrangement in force between an  
20 authorized repair provider and an original equipment  
21 manufacturer, including the performance or provision of warranty



1 or recall repair work by an authorized repair provider on behalf  
2 of an original equipment manufacturer pursuant to the  
3 arrangement, except that any provision in the terms that  
4 purports to waive, avoid, restrict, or limit the original  
5 equipment manufacturer's obligations to comply with this chapter  
6 shall be void and unenforceable.

7 (c) Nothing in this chapter shall be construed to require  
8 an original equipment manufacturer or authorized repair provider  
9 to provide an owner or independent repair provider access to  
10 information, other than documentation, that is provided by the  
11 original equipment manufacturer to an authorized repair provider  
12 pursuant to the terms of the arrangement between the authorized  
13 repair provider and the original equipment manufacturer.

14 § -5 **Exclusions.** This chapter shall not apply to a:

15 (1) Motor vehicle manufacturer, manufacturer of motor  
16 vehicle equipment, or motor vehicle dealer acting in  
17 that capacity or to any product or service of the  
18 motor vehicle manufacturer, manufacturer of motor  
19 vehicle equipment, or motor vehicle dealer;  
20 (2) Manufacturer, distributor, importer, or dealer of any  
21 off-road equipment, including all-terrain sports and

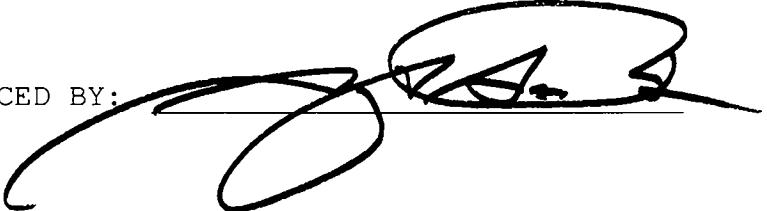


1                   recreational vehicles, racing vehicles, motorcycles,  
2                   and heavy construction equipment; or  
3                   (3) Manufacturer, distributor, importer, or dealer of any  
4                   medical equipment valued at \$100,000 or more that is  
5                   used in the treatment, monitoring, or diagnosis of a  
6                   patient.

7                   **§ -6 Applicability.** This chapter shall apply with  
8                   respect to covered devices sold or in use on or after the  
9                   effective date of this chapter."

10                  SECTION 3. This Act shall take effect upon its approval.

11

INTRODUCED BY: 



S.B. NO. 2847

**Report Title:**

Right To Repair; Consumer Protection; Wheelchair

**Description:**

Establishes a right to repair for wheelchairs.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

