

1 A bill to be entitled
2 An act relating to repair of motorized wheelchairs;
3 providing a directive to the Division of Law Revision;
4 creating s. 559.971, F.S.; providing a short title;
5 creating s. 559.972, F.S.; providing definitions;
6 creating s. 559.973, F.S.; requiring an original
7 equipment manufacturer to make available any
8 documentation, parts, and tools, required for the
9 diagnosis, maintenance, or repair of a motorized
10 wheelchair and parts for the motorized wheelchair;
11 requiring an original equipment manufacturer of a
12 motorized wheelchair with an electronic security lock
13 to make available any special documentation, parts,
14 and tools, needed to access and reset the lock when
15 disabled in the course of diagnosis, maintenance, or
16 repair of the motorized wheelchair; creating s.
17 559.974, F.S.; providing that violation of the act is
18 an unlawful practice under the Florida Deceptive and
19 Unfair Trade Practices Act; creating s. 559.975, F.S.;
20 providing that an original equipment manufacturer is
21 not required to divulge trade secrets; providing that
22 nothing in the act alters the terms of an arrangement
23 between an authorized repair provider and an original
24 equipment manufacturer; providing an exception;
25 limiting the liability of an original equipment

26 manufacturer or authorized repair provider in certain
 27 circumstances; creating s. 559.976, F.S.; providing
 28 applicability; providing an effective date.

30 Be It Enacted by the Legislature of the State of Florida:

31
 32 **Section 1.** Part XIV of chapter 559, Florida Statutes,
 33 consisting of ss. 559.971-559.976, is created and entitled
 34 "Repair of Motorized Wheelchairs."

35 **Section 2. Section 559.971, Florida Statutes, is created**
 36 **to read:**

37 559.971 Short title.-This part may be cited as the
 38 "Motorized Wheelchair Right to Repair Act."

39 **Section 3. Section 559.972, Florida Statutes, is created**
 40 **to read:**

41 559.972 Definitions.-As used in this part, the term:

42 (1) "Authorized repair provider" means an individual or a
 43 business that has an arrangement with the original equipment
 44 manufacturer under which the original equipment manufacturer
 45 grants to the individual or business a license to use a trade
 46 name, service mark, or other proprietary identifier for the
 47 purposes of offering the services of diagnosis, maintenance, or
 48 repair of a motorized wheelchair under the name of the original
 49 equipment manufacturer, or other arrangement with the original
 50 equipment manufacturer to offer such services on behalf of the

51 original equipment manufacturer. An original equipment
52 manufacturer that offers the services of diagnosis, maintenance,
53 or repair of its own motorized wheelchair, and that does not
54 have an arrangement with an unaffiliated individual or business,
55 must be considered an authorized repair provider with respect to
56 motorized wheelchairs.

57 (2) "Documentation" means any manual, diagram, reporting
58 output, service code description, schematic diagram, security
59 codes, passwords, or other guidance or information used in
60 effecting the services of diagnosis, maintenance, or repair of a
61 motorized wheelchair.

62 (3) "Fair and reasonable terms" means making available
63 parts, tools, or documentation as follows:

64 (a) Documentation made available by the original equipment
65 manufacturer at no charge, except that, when a physical copy is
66 requested, a charge may be included for the reasonable actual
67 costs of preparing and sending the copy.

68 (b) Tools made available by the original equipment
69 manufacturer at no charge and without requiring authorization or
70 Internet access for use or operation of the tools; without
71 imposing impediments to access or use the tools to diagnose,
72 maintain, or repair and enable full functionality of digital
73 electronic equipment; and not in a manner that impairs the
74 efficient and cost-effective performance of any such diagnosis,
75 maintenance, or repair, except that, when the tool is requested

76 in physical form, a charge may be included for the reasonable,
77 actual costs of preparing and sending the tool.

78 (c) Parts made available by the original equipment
79 manufacturer, either directly or through an authorized repair
80 provider, to independent repair providers and owners at costs
81 and terms that are equivalent to the most favorable costs and
82 terms under which an original equipment manufacturer offers the
83 parts to an authorized repair provider and that:

84 1. Accounts for any discount, rebate, convenient and
85 timely means of delivery, means of enabling fully restored and
86 updated functionality, rights of use, or other incentive and
87 preference the original manufacturer offers to an authorized
88 repair provider; or any additional cost or impediment the
89 original equipment manufacturer imposes on an owner or
90 independent repair provider.

91 2. Is not conditioned upon or does not impose a
92 substantial obligation or restriction that is not reasonably
93 necessary for enabling the owner or independent repair provider
94 to engage in the diagnosis, maintenance, or repair of equipment
95 made by or on behalf of the original equipment manufacturer.

96 3. Is not conditioned upon an arrangement with the
97 original equipment manufacturer.

98 (4) "Independent repair provider" means an individual or
99 business operating in this state which is unaffiliated with an
100 original equipment manufacturer that is engaged in the services

101 of diagnosis, maintenance, or repair of motorized wheelchairs.

102 (5) "Original equipment manufacturer" means a business
103 engaged in selling, leasing, or supplying new motorized
104 wheelchairs manufactured by, or on behalf of, the business to
105 any individual or business.

106 (6) "Owner" means an individual or business that owns or
107 leases a motorized wheelchair purchased or used in this state.

108 (7) "Part" means any replacement part, either new or used,
109 made available by an original equipment manufacturer for
110 purposes of effecting the services of maintenance or repair of a
111 motorized wheelchair manufactured by or on behalf of, sold, or
112 otherwise supplied by the original equipment manufacturer.

113 (8) "Tools" means any software, hardware, or other
114 apparatus used for the diagnosis, maintenance, or repair of a
115 motorized wheelchair, including software or other mechanisms
116 that program a new part, calibrate functionality, or perform any
117 other function required to return the wheelchair to fully
118 functional condition, including any updates.

119 (9) "Trade secret" has the same meaning as in s. 688.002.

120 **Section 4. Section 559.973, Florida Statutes, is created**
121 **to read:**

122 559.973 Requirements.-

123 (1) For motorized wheelchairs and parts for motorized
124 wheelchairs that are sold or used in this state, an original
125 equipment manufacturer must make available to any independent

126 repair provider and owner by, on behalf of, or sold by such
127 original equipment manufacturer, on fair and reasonable terms,
128 any documentation, parts, and tools, required for the diagnosis,
129 maintenance, or repair of such a motorized wheelchair and parts
130 for the motorized wheelchair, inclusive of any updates to
131 information. The documentation parts and tools must be made
132 available either directly by the original equipment manufacturer
133 or via an authorized repair provider.

134 (2) For equipment that contains an electronic security
135 lock or other security-related function, the original equipment
136 manufacturer must make available to an owner and independent
137 repair provider, on fair and reasonable terms, any special
138 documentation, tools, and parts needed to access and reset the
139 lock or function when disabled in the course of diagnosis,
140 maintenance, or repair of the motorized wheelchair. The
141 documentation, tools, and parts may be made available through
142 appropriate secure release systems.

143 **Section 5. Section 559.974, Florida Statutes, is created**
144 **to read:**

145 559.974 Enforcement.-A violation of this part is
146 punishable under the Florida Deceptive and Unfair Trade
147 Practices Act.

148 **Section 6. Section 559.975, Florida Statutes, is created**
149 **to read:**

150 559.975 Limitations.-

151 (1) This part does not require an original equipment
152 manufacturer to divulge a trade secret to an owner or
153 independent service provider.

154 (2) This part does not alter the terms of an arrangement
155 between an authorized repair provider and an original equipment
156 manufacturer, including, but not limited to, the performance or
157 provision of warranty or recall repair work by an authorized
158 repair provider on behalf of an original equipment manufacturer
159 and pursuant to such arrangement. However, any provision in the
160 terms that waives, avoids, restricts, or limits the original
161 equipment manufacturer's obligations to comply with this part is
162 void.

163 (3) An original equipment manufacturer or authorized
164 repair provider is not liable for any damage or injury caused to
165 a motorized wheelchair by an independent repair provider or
166 owner that occurs during the course of repair, diagnosis, or
167 maintenance.

168 **Section 7. Section 559.976, Florida Statutes, is created**
169 **to read:**

170 559.976 Applicability.-This part applies with respect to
171 motorized wheelchairs sold or in use on or after July 1, 2025.

172 **Section 8.** This act shall take effect July 1, 2025.