

By Senator Smith

17-01067-25

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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.; defining terms; creating s.  
6       559.973, F.S.; requiring an original equipment  
7       manufacturer to make available any documentation,  
8       parts, and tools required for the diagnosis,  
9       maintenance, or repair of a motorized wheelchair and  
10      parts for the motorized wheelchair; requiring an  
11      original equipment manufacturer of a motorized  
12      wheelchair with an electronic security lock to make  
13      available any special documentation, parts, and tools  
14      needed to access and reset the lock when disabled in  
15      the course of diagnosis, maintenance, or repair of the  
16      motorized wheelchair; creating s. 559.974, F.S.;  
17      providing that violation of the act is an unlawful  
18      practice under the Florida Deceptive and Unfair Trade  
19      Practices Act; creating s. 559.975, F.S.; providing  
20      that an original equipment manufacturer is not  
21      required to divulge trade secrets; providing that the  
22      act does not alter the terms of an arrangement between  
23      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.  
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30 Be It Enacted by the Legislature of the State of Florida:

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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 to  
36 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 to  
40 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

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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 timely  
85 means of delivery, means of enabling fully restored and updated  
86 functionality, rights of use, or other incentive and preference  
87 the original equipment manufacturer offers to an authorized

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

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

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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 to  
121 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 lock  
135 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 to  
144 read:

145 559.974 Enforcement.—A violation of this part is punishable

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146 under the Florida Deceptive and Unfair Trade Practices Act.

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

149 559.975 Limitations.—

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

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

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

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

169 559.976 Applicability.—This part applies with respect to  
170 motorized wheelchairs sold or in use on or after July 1, 2025.

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