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Bill 187

**An Act to amend the Consumer Protection Act, 2023
with respect to the right for consumers to repair consumer electronic products,
household appliances, wheelchairs, motor vehicles and farming heavy equipment**

Co-sponsors:

Mr. T. Rakocevic

Ms B. Karpoche

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Private Members' Bill

1st Reading April 16, 2024

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The *Consumer Protection Act, 2023* is amended by adding a new Part V.1.

New section 72.1 provides that manufacturers of electronic products, household appliances or wheelchairs must make available to consumers and repair businesses the most recent version of the repair manual, replacement parts, software and tools that the manufacturer uses for, or provides to others for, diagnosing, maintaining, or repairing its electronic products, household appliances or wheelchairs, or resetting an electronic security function of such items if the function is disabled during diagnosis, maintenance or repair.

New section 72.2 provides that manufacturers of motor vehicles and manufacturers of farming heavy equipment must make available to consumers and consumer motor vehicle and farming heavy equipment repair businesses the most recent version of the repair manual, replacement parts, software and tools that the manufacturer uses for, or provides to others for, diagnosing, maintaining, or repairing its motor vehicles or farming heavy equipment, or resetting an electronic security function of its motor vehicles or farming heavy equipment if the function is disabled during diagnosis, maintenance or repair.

In both sections, the manufacturer must provide the repair manual at no charge or, if a paper version is requested, at a reasonable cost. The manufacturer must also provide the replacement parts, software and tools at a fair cost.

**An Act to amend the Consumer Protection Act, 2023
with respect to the right for consumers to repair consumer electronic products,
household appliances, wheelchairs, motor vehicles and farming heavy equipment**

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 The *Consumer Protection Act, 2023* is amended by adding the following Part:

**PART V.1
RIGHT TO REPAIR**

ELECTRONIC PRODUCTS, HOUSEHOLD APPLIANCES AND WHEELCHAIRS

Definitions

72.1 (1) In this section,

“branded electronic products” means electronic products that are branded as being produced by a specific manufacturer; (“produits électroniques de marque”)

“electronic products” means goods that work at least in part because of electronics that are part of, or attached to, them and includes consumer electronic devices and appliances with electronic components; (“produits électroniques”)

“household appliances” means electric or manual appliances, which assist in household functions such as cooking, cleaning, food preservation and preparation, personal hygiene, and home maintenance, and household tools required for maintaining a home; (“appareils ménagers”)

“manufacturer” means a business,

- (a) that produces electronic products, household appliances or wheelchairs, or
- (b) that is branded as being the producer of electronic products; (“fabricant”)

“repair business” means a business that diagnoses, maintains or repairs electronic products, household appliances or wheelchairs that are used by consumers. (“entreprise de réparation”)

Right to repair

(2) At the request of a consumer or a repair business, a manufacturer shall, within a reasonable time, provide to the consumer or business the most recent version of the repair manual, replacement parts, software and tools that the manufacturer uses for, or provides to others for,

- (a) diagnosing, maintaining or repairing its branded electronic products;
- (b) diagnosing, maintaining or repairing its household appliances or wheelchairs; or
- (c) resetting an electronic security function of its branded electronic products, household appliances or wheelchairs if the function is disabled during diagnosis, maintenance or repair.

No charge for repair manual

(3) Subject to subsection (4), the manufacturer shall provide access to the repair manual at no charge.

Printed repair manual at reasonable cost

(4) If the consumer or the repair business requests a paper version of the repair manual, the manufacturer may charge a fee, but the fee must not exceed a reasonable estimate of the costs of printing the repair manual.

Parts, software, tools at fair cost

(5) The manufacturer may charge a fee for providing replacement parts, software and tools if the manufacturer,

- (a) does not charge a different fee in respect of the amount of the fee charged to the consumer, the repair business or any other person; and

- (b) ensures that the net profit percentage of the charged fee does not exceed a reasonable estimate of the net profit percentage that the manufacturer earns for diagnostic, maintenance or repair services, if the manufacturer provides those services.

RIGHT TO REPAIR MOTOR VEHICLES AND FARMING HEAVY EQUIPMENT

Definitions

72.2 (1) In this section,

“branded farming heavy equipment” means farming heavy equipment that is branded as being produced by a specific manufacturer; (“équipements agricoles lourds de marque”)

“branded motor vehicles” means motor vehicles that are branded as being produced by a specific manufacturer; (“véhicules automobiles de marque”)

“consumer farming heavy equipment repair business” means a business that diagnoses, maintains or repairs farming heavy equipment that are used by consumers; (“entreprise de réparation d’équipements agricoles lourds grand public”)

“consumer motor vehicle repair business” means a business that diagnoses, maintains or repairs motor vehicles that are used by consumers; (“entreprise de réparation de véhicules automobiles grand public”)

“farming heavy equipment” means equipment or machinery designed and used for agricultural or horticultural use and includes attachments; (“équipements agricoles lourds”)

“manufacturer” means a business,

- (a) that produces motor vehicles or farming heavy equipment, or
- (b) that is branded as being the producer of motor vehicles or farming heavy equipment; (“fabricant”)

“motor vehicle” means a motor vehicle as defined in subsection 1 (1) of the *Highway Traffic Act*. (“véhicule automobile”)

Right to repair

(2) At the request of a consumer, a consumer motor vehicle repair business or a consumer farming heavy equipment repair business, a manufacturer shall, within a reasonable time, provide to the consumer or business the most recent version of the repair manual, replacement parts, software and tools that the manufacturer uses for, or provides to others for,

- (a) diagnosing, maintaining or repairing its branded motor vehicles or its branded farming heavy equipment; or
- (b) resetting an electronic security function of its branded motor vehicles or its branded farming heavy equipment if the function is disabled during diagnosis, maintenance or repair.

No charge for repair manual

(3) Subject to subsection (4), the manufacturer shall provide access to the repair manual at no charge.

Printed repair manual at reasonable cost

(4) If the consumer, the consumer motor vehicle repair business or the consumer farming heavy equipment repair business requests a paper version of the repair manual, the manufacturer may charge a fee, but the fee must not exceed a reasonable estimate of the costs of printing the repair manual.

Parts, software, tools at fair cost

(5) The manufacturer may charge a fee for providing replacement parts, software and tools if the manufacturer,

- (a) does not charge a different fee in respect of the amount of the fee charged to the consumer, the consumer motor vehicle repair business, the consumer farming heavy equipment repair business or any other person; and
- (b) ensures that the net profit percentage of the charged fee does not exceed a reasonable estimate of the net profit percentage that the manufacturer earns for diagnostic, maintenance or repair services, if the manufacturer provides those services.

Commencement

2 This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3 The short title of this Act is the *Right to Repair Consumer Electronic Products, Household Appliances, Wheelchairs, Motor Vehicles and Farming Heavy Equipment Act, 2024*.