

119TH CONGRESS
1ST SESSION

H. R. 5039

To amend title 17, United States Code, to provide an exception for circumvention for the diagnosis, maintenance, or repair of a powered mobility assistance device, to require original equipment manufacturers of powered mobility assistance devices to make available certain documentation, diagnostic, and repair information to independent repair providers and consumers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 26, 2025

Mr. FROST (for himself and Ms. PEREZ) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 17, United States Code, to provide an exception for circumvention for the diagnosis, maintenance, or repair of a powered mobility assistance device, to require original equipment manufacturers of powered mobility assistance devices to make available certain documentation, diagnostic, and repair information to independent repair providers and consumers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Wheelchair Right to
3 Repair Act”.

4 **SEC. 2. EXCEPTION FOR CIRCUMVENTION OF COPYRIGHT**
5 **PROTECTION SYSTEMS.**

6 Section 1201 of title 17, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(1) DIAGNOSIS, MAINTENANCE, AND REPAIR OF
10 POWERED MOBILITY ASSISTANCE DEVICES.—

11 “(1) EXCEPTION FOR ACCESS.—Notwith-
12 standing the provisions of subsection (a)(1)(A), it is
13 not a violation of that subsection for a person, for
14 the purpose of the diagnosis, maintenance, or repair
15 of a powered mobility assistance device, to cir-
16 cumvent a technological measure that effectively
17 controls access to a work protected under this title.

18 “(2) EXCEPTION FOR MANUFACTURE, IMPORTA-
19 TION, AND OFFER TO PUBLIC.—Notwithstanding the
20 provisions of subsections (a)(2) and (b)(1), it is not
21 a violation of that subsection for a person, for the
22 purpose of the diagnosis, maintenance, or repair of
23 a powered mobility assistance device, to manufac-
24 ture, import, offer to the public, provide, or other-
25 wise traffic in any technology, product, service, de-

1 vice, component, or part thereof described in that
 2 subsection.

3 “(3) POWERED MOBILITY ASSISTANCE DEVICE
 4 DEFINED.—In this subsection, the term ‘powered
 5 mobility assistance device’ means—

6 “(A) a motorized wheeled device designed
 7 for use by an individual with a physical dis-
 8 ability; and

9 “(B) a wearable robotic device designed to
 10 augment and enhance the physical ability of an
 11 individual to walk.”.

12 **SEC. 3. REQUIREMENT TO MAKE DIAGNOSTIC, MAINTENANCE, AND REPAIR TOOLS AVAILABLE TO**
 13 **INDEPENDENT REPAIR PROVIDERS FOR POW-**
 14 **ERED MOBILITY ASSISTANCE DEVICE.**

16 (a) IN GENERAL.—

17 (1) TOOLS PROVIDED.—In the case of a pow-
 18 ered mobility assistance device manufactured by or
 19 on behalf of, sold, or otherwise supplied by an origi-
 20 nal equipment manufacturer, the original equipment
 21 manufacturer shall make available, in a timely man-
 22 ner and on fair and reasonable terms, for the pur-
 23 pose of diagnosis, maintenance, or repair of the de-
 24 vice, to an independent repair provider and owner,
 25 any documentation, part, embedded software,

1 firmware, and other tool that is needed for repair of
2 the device.

3 (2) SECURITY-RELATED FUNCTIONS NOT EX-
4 CLUDED.—For a powered mobility assistance device
5 that contains an electronic security lock or other se-
6 curity-related function, the original equipment man-
7 ufacturer shall make available, in a timely manner
8 and on fair and reasonable terms, to an independent
9 repair provider and owner, any documentation, part,
10 embedded software, firmware, or other tool needed
11 to disable the lock or function, and to reset the lock
12 or function when disabled in the course of diagnosis,
13 maintenance, or repair of the device. Any such docu-
14 mentation, part, software, firmware, or other tool
15 may be made available to an independent repair pro-
16 vider and owner through an appropriate secure data
17 release system.

18 (3) NOTIFICATION AND PROCESS FOR RE-
19 QUESTS REQUIRED.—Not later than 90 days after
20 the date of the enactment of this Act an original
21 equipment manufacturer of a powered mobility as-
22 sistance device—

23 (A) shall provide to any such provider and
24 owner a clear and conspicuous notice of the

1 rights of the provider and owner under this
2 subsection; and

3 (B) shall establish and make public a
4 standard process by which a request can be
5 made by an owner or independent repair pro-
6 vider under paragraphs (1) and (2).

7 (4) NOTIFICATION REQUIRED WITH PUR-
8 CHASE.—An original equipment manufacturer of a
9 powered mobility assistance device shall provide with
10 any purchase of such device on and after the date
11 of the enactment of this Act a clear and conspicuous
12 notice of the rights of the owner and any other in-
13 tended user of the device under this subsection.

14 (5) NOTIFICATION FOR INTENDED USERS.—An
15 independent repair provider and owner of a powered
16 mobility assistance device shall provider to any in-
17 tended user of that device a clear and conspicuous
18 notice of the rights of the user under this sub-
19 section.

20 (b) ENFORCEMENT.—

21 (1) ENFORCEMENT BY THE FEDERAL TRADE
22 COMMISSION.—

23 (A) UNFAIR OR DECEPTIVE ACTS OR PRAC-
24 TICES.—A violation of subsection (a) shall be
25 treated as a violation of a rule defining an un-

1 fair or deceptive act or practice prescribed
2 under section 18(a)(1)(B) of the Federal Trade
3 Commission Act (15 U.S.C. 57a(a)(1)(B)).

4 (B) POWERS OF THE COMMISSION.—

5 (i) IN GENERAL.—The Commission
6 shall enforce this Act and any regulations
7 promulgated under this Act in the same
8 manner, by the same means, and with the
9 same jurisdiction, powers, and duties as
10 though all applicable terms and provisions
11 of the Federal Trade Commission Act (15
12 U.S.C. 41 et seq.) were incorporated into
13 and made a part of this Act, and any per-
14 son who violates this Act or a regulation
15 promulgated under this Act shall be sub-
16 ject to the penalties and entitled to the
17 privileges and immunities provided in the
18 Federal Trade Commission Act.

19 (ii) REGULATIONS.—The Commission
20 may, under section 553 of title 5, United
21 States Code, prescribe any regulations it
22 determines necessary to carry out this Act.

23 (iii) EFFECT ON OTHER LAWS.—
24 Nothing in this Act shall be construed to

1 limit the authority of the Commission
2 under any other provision of law.

3 (2) ENFORCEMENT BY STATE ATTORNEYS GEN-
4 ERAL.—

5 (A) IN GENERAL.—If the chief law en-
6 forcement officer of a State, or an official or
7 agency designated by a State, has reason to be-
8 lieve that any person has violated or is violating
9 subsection (a), the attorney general, official, or
10 agency of the State, in addition to any author-
11 ity it may have to bring an action in State
12 court under State law, may bring a civil action
13 in any appropriate United States district court
14 or in any other court of competent jurisdiction,
15 including a State court, to—

16 (i) enjoin further such violation by
17 such person;

18 (ii) enforce compliance with such sub-
19 section;

20 (iii) obtain civil penalties; and

21 (iv) obtain damages, restitution, or
22 other compensation on behalf of residents
23 of the State.

24 (B) NOTICE AND INTERVENTION BY THE
25 FTC.—The attorney general (or other such offi-

cer) of a State shall provide prior written notice of any action under paragraph (1) to the Commission and provide the Commission with a copy of the complaint in the action, except in any case in which such prior notice is not feasible, in which case the attorney general shall serve such notice immediately upon instituting such action. The Commission shall have the right—

(i) to intervene in the action;

(ii) upon so intervening, to be heard on all matters arising therein; and

(iii) to file petitions for appeal.

(C) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action for violation of this Act, no State attorney general, or official or agency of a State, may bring an action under this paragraph during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this Act alleged in the complaint.

(D) RELATIONSHIP WITH STATE LAW CLAIMS.—If the attorney general of a State has authority to bring an action under State law di-

1 rected at acts or practices that also violate this
2 Act, the attorney general may assert the State
3 law claim and a claim under this Act in the
4 same civil action.

5 (c) LIABILITY FOR DAMAGE OR INJURY.—An original
6 equipment manufacturer or authorized repair provider is
7 not liable for any damage to or injury from any powered
8 mobility assistance device caused by an independent repair
9 provider or owner that occurs during the diagnosis, main-
10 tenance, or repair of the device and is not attributable to
11 the original equipment manufacturer or authorized repair
12 provider, unless the damage or injury is attributable to
13 a design or manufacturing defect of the device.

14 (d) RULES OF CONSTRUCTION.—

15 (1) AGREED UPON TERMS.—Nothing in this
16 section may be construed to alter any term of an ar-
17 rangement between an authorized repair provider
18 and an original equipment manufacturer, including
19 the performance or provision of warranty or recall
20 repair work by an authorized repair provider on be-
21 half of an original equipment manufacturer, except
22 that any such term that waives, avoids, restricts, or
23 limits the requirements of the original equipment
24 manufacturer to comply with this section is void and
25 unenforceable.

1 (2) REQUIREMENT TO SELL PARTS NOT AVAIL-
2 ABLE.—Nothing in this section may be construed to
3 require an original equipment manufacturer to sell a
4 part if the part is no longer available.

5 (3) PROTECTION OF TRADE SECRETS.—Nothing
6 in this section may be construed to require an origi-
7 nal equipment manufacturer to divulge a trade se-
8 cret to an independent repair provider or owner, ex-
9 cept as necessary to provide any documentation,
10 part, embedded software, firmware, or other tool in
11 accordance with this section.

12 (e) NOTIFICATION REQUIRED.—Not later than 90
13 days after the date of the enactment of this Act, the Com-
14 mission shall identify, notify, and educate independent re-
15 pair providers about the requirements of this section.

16 (f) DEFINITIONS.—In this section:

17 (1) AUTHORIZED REPAIR PROVIDER.—The term
18 “authorized repair provider”—

19 (A) means a person that is unaffiliated
20 with the original equipment manufacturer and
21 has an arrangement with an original equipment
22 manufacturer under which the original equip-
23 ment manufacturer grants the person a license
24 to use a trade name, service mark, or other pro-
25 prietary identifier for the purposes of offering

1 the services of diagnosis, maintenance, or repair
2 of a powered mobility assistance device under
3 the name of the original equipment manufac-
4 turer, or other arrangement with the original
5 equipment manufacturer to offer such services
6 on behalf of the original equipment manufac-
7 turer; and

8 (B) includes an original equipment manu-
9 facturer that provides diagnosis, maintenance,
10 or repair of a powered mobility assistance de-
11 vice manufactured by that manufacturer and
12 that does not have an arrangement described in
13 subparagraph (A).

14 (2) COMMISSION.—The term “Commission”
15 means the Federal Trade Commission.

16 (3) DOCUMENTATION.—The term “documenta-
17 tion” means any manual, maintenance procedure,
18 functional and wiring diagram, reporting output,
19 service code description, circuit board schematic, se-
20 curity code, password, training material, trouble-
21 shooting information, list of required tools, parts
22 list, or other guidance or information used in pro-
23 viding diagnosis, maintenance, or repair of a pow-
24 ered mobility assistance device.

1 (4) EMBEDDED SOFTWARE.—The term “em-
2 bedded software”—

3 (A) means any programmable software in-
4 struction delivered with or loaded onto equip-
5 ment, or a part of such equipment, to allow the
6 equipment or part to operate or communicate
7 with other computer hardware; and

8 (B) includes any relevant patch and fix
9 that the manufacturer makes for purposes of
10 diagnosis, maintenance, or repair of equipment.

11 (5) FAIR AND REASONABLE TERMS.—The term
12 “fair and reasonable terms”, with respect to the pro-
13 vision of a any documentation, part, embedded soft-
14 ware, firmware, or other tool, means at costs and
15 terms that are equivalent to the most favorable costs
16 and terms under which an original equipment manu-
17 facturer offers the documentation, part, software,
18 firmware, or tool to an authorized repair provider—

19 (A) accounting for any discount, rebate,
20 convenient means of delivery, means of enabling
21 fully restored and updated functionality, rights
22 of use, or other incentive or preference the
23 original equipment manufacturer offers to an
24 authorized repair provider, or any additional
25 cost, burden, or impediment the original equip-

1 ment manufacturer imposes on an independent
2 repair provider;

3 (B) not conditioned on or imposing a sub-
4 stantial obligation or restriction that is not rea-
5 sonably necessary for enabling the independent
6 repair provider or owner to engage in the diag-
7 nosis, maintenance, or repair of the device
8 made by or on behalf of the original equipment
9 manufacturer; and

10 (C) not conditioned on an arrangement de-
11 scribed in paragraph (1)(A).

12 (6) FIRMWARE.—The term “firmware” means a
13 software program or set of instructions programmed
14 on a powered mobility assistance device, or on a part
15 for such device, that allows the device or part to
16 communicate within the device or part or with other
17 device hardware.

18 (7) INDEPENDENT REPAIR PROVIDER.—The
19 term “independent repair provider” means a person
20 that operates in a State, that does not have an ar-
21 rangement described in paragraph (1)(A) with an
22 original equipment manufacturer, and who is en-
23 gaged in the services of diagnosis, maintenance, or
24 repair of a powered mobility assistance device.

1 (8) ORIGINAL EQUIPMENT MANUFACTURER.—

2 The term “original equipment manufacturer” means
3 a person engaged in the business of selling, leasing,
4 or otherwise supplying new powered mobility assist-
5 ance devices manufactured by or on behalf of itself,
6 to any individual or other person.

7 (9) OWNER.—The term “owner” means a per-
8 son who owns or leases powered mobility assistance
9 device purchased or used in the United States.

10 (10) PART.—The term “part” means any re-
11 placement part, new or used, generally available or
12 used by an original equipment manufacturer or an
13 authorized repair provider of the manufacturer for
14 providing maintenance or repair of a powered mobil-
15 ity assistance device manufactured by or on behalf
16 of, sold, or otherwise supplied by the original equip-
17 ment manufacturer.

18 (11) POWERED MOBILITY ASSISTANCE DE-
19 VICE.—The term “powered mobility assistance de-
20 vice” means—

21 (A) a motorized wheeled device designed
22 for use by an individual with a physical dis-
23 ability; and

1 (B) a wearable robotic device designed to
2 augment and enhance the physical ability of an
3 individual to walk.

4 (12) TOOL.—The term “tool” means any soft-
5 ware program, hardware implement, or other appa-
6 ratus used for diagnosis, maintenance, or repair of
7 a powered mobility assistance device, including soft-
8 ware or other mechanism that provisions, programs,
9 or pairs a new part, calibrates functionality, or per-
10 forms any other function required to bring the prod-
11 uct back to fully functional condition, including any
12 update.

13 (13) TRADE SECRET.—The term “trade secret”
14 has the meaning given that term in section 1839 of
15 title 18, United States Code.

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