

February 13, 2017

The Honorable John Barker, Chairperson  
House Committee on Federal and State Affairs  
Statehouse, Room 285-N  
Topeka, Kansas 66612

Dear Representative Barker:

**SUBJECT:** Fiscal Note for HB 2122 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2122 is respectfully submitted to your committee.

HB 2122 would enact the Fair Repair Act which would require manufactures of digital electronic productions to:

1. Make diagnostic and repair information available to independent repair providers or product owners at no charge, just as the manufacturer makes such diagnostic and repair information available to authorized repair providers; and
2. Make diagnostic and repair tools and software available for purchase by a product owner, the owner's agency or any independent repair provider upon fair and reasonable terms.

"Digital electronic productions" would be defined as equipment containing an integrated circuit, or a part for such equipment, manufactured for distribution and sale in the United States and installed in a farm tractor, farm trailer or implement of husbandry as those terms are defined in KSA 8-126. Manufactures that already sell or provide information and tools would be prohibited from requiring some providers to buy the information and tools in a proprietary format while other providers can buy the information and tools in a standard format.

The Office of the Attorney General and the Department of Commerce indicate the bill would have no fiscal effect on agency operations. The Office of the Attorney General notes that county and district attorneys would have jurisdiction over HB 2122 and those entities may experience increased expenditures as those expenditures relate to prosecuting a violation of the bill.

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The Office of Judicial Administration indicates that HB 2122 would create a new misdemeanor crime and could result in additional case filings. Additional case filings could increase expenditures as a result of additional time spent by the court on processing and deciding cases. Increased case filings could also increase revenue in the form of docket fees. However, since the amount of new cases that could be created as a result of the enactment of HB 2122 is unknown, a fiscal effect cannot be estimated. Any fiscal effect associated with HB 2122 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a long horizontal line extending to the right.

Shawn Sullivan,  
Director of the Budget

cc: Willie Prescott, Office of the Attorney General  
Bob North, Commerce  
Ashley Michaelis, Judiciary