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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1952

02/25/2014 Authored by Atkins

The bill was read for the first time and referred to the Committee on Labor, Workplace and Regulated Industries

1.1 A bill for an act
1.2 relating to telecommunications; consumer protection; requiring "kill switch"
1.3 functionality for smart phones to deter theft; proposing coding for new law in
1.4 Minnesota Statutes, chapter 325F.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [325F.698] SMART PHONE DEVICE "KILL SWITCH."

1.7 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms
1.8 have the meanings given them.

1.9 (b) "Commissioner" means the commissioner of commerce.

1.10 (c) "Smart phone" means a cellular phone or other mobile device built on a mobile
1.11 operating system and possessing advanced computing capability. Features a smart phone
1.12 may possess include, but are not limited to, built-in applications, Internet access, digital
1.13 voice service, text messaging, e-mail, and Web browsing.

1.14 (d) "Subscriber identification module" or "SIM card" means a card or other similar
1.15 media that is inserted into a smart phone and used to store data.

1.16 (e) "Wireless telecommunications equipment manufacturer" means any entity that
1.17 manufactures wireless telecommunications devices, including smart phones.

1.18 (f) "Wireless telecommunications service provider" has the meaning given in section
1.19 237.01, subdivision 6, and includes a provider of mobile wireless telecommunications
1.20 service.

1.21 Subd. 2. "Kill switch" required. (a) Any smart phone sold or purchased in
1.22 Minnesota must be equipped with functionality that can render the device completely
1.23 inoperable in the event of theft or loss.

1.24 (b) In order to comply with paragraph (a), any "kill switch" functionality must:

2.1 (1) wipe the device of all saved data;

2.2 (2) render the device completely inoperable on any wireless telecommunications
2.3 service provider's network globally;

2.4 (3) prevent the device from being reactivated or reprogrammed without a passcode
2.5 or other similar authorization;

2.6 (4) disable the device even if it is turned off or has had the SIM card or other data
2.7 storage medium removed; and

2.8 (5) be reversible in the event of the device's recovery by its owner.

2.9 (c) Wireless telecommunications service providers and wireless telecommunications
2.10 equipment manufacturers are jointly liable for ensuring smart phones sold in Minnesota
2.11 meet the requirements of this subdivision.

2.12 Subd. 3. **Additional fees prohibited.** Wireless telecommunications service
2.13 providers and wireless telecommunications equipment manufacturers are prohibited from
2.14 assessing an additional fee, surcharge, tariff, or other charge to consumers for "kill switch"
2.15 functionality in smart phones.

2.16 Subd. 4. **Noncompliance; insurance.** (a) A wireless telecommunications service
2.17 provider providing service to a smart phone sold or provided to a consumer in violation of
2.18 this section must insure the device against theft at no cost to the consumer.

2.19 (b) Theft insurance under paragraph (a) shall be in the form, amount, and duration as
2.20 determined by the commissioner.

2.21 (c) A wireless telecommunications service provider must annually submit its theft
2.22 insurance plan for approval by the commissioner.

2.23 **EFFECTIVE DATE.** This section is effective January 1, 2015, and applies to
2.24 smart phone sales made on or after that date.