

CHAPTER 54—S.F.No. 298

An act relating to consumer protection; limiting customer liability for unauthorized use of cellular phones; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Section 1. **[325F.696] LIABILITY FOR UNAUTHORIZED USE OF CELLULAR PHONES.**

Subdivision 1. **Liability limited.** A customer is not liable for cellular phone charges imposed by a wireless service provider that result from the unauthorized use of the customer's cellular phone. There is a rebuttable presumption that any use of a cellular phone after the wireless service provider has been notified that the phone is lost or stolen is unauthorized, provided that the customer agreed to suspend use of the wireless device.

Subd. 2. **Unauthorized use defined.** For purposes of subdivision 1, "unauthorized use" means use by a person other than the customer who does not have actual, implied, or apparent authority for the use.

Presented to the governor May 6, 2009

Signed by the governor May 9, 2009, 4:16 p.m.