

**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

03/03/2014 Adoption of Report: Amended and re-referred to the Committee on Commerce and Consumer Protection Finance and Policy

03/24/2014 Adoption of Report: Amended and Placed on the General Register

Read Second Time

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 handheld cellular phone or other handheld mobile  
 1.11 device built on a mobile operating system and possessing advanced computing capability.  
 1.12 Features a smart phone may possess include, but are not limited to, built-in applications,  
 1.13 Internet access, digital voice service, text messaging, e-mail, and Web browsing. Smart  
 1.14 phone does not include an electronic reader, tablet, or other similar device not primarily  
 1.15 intended for two-way voice communication.

1.16 (d) "Subscriber identification module" or "SIM card" means a card or other similar  
 1.17 media that is inserted into a smart phone and used to store data to authenticate and identify  
 1.18 subscribers on a network.

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

1.21 (f) "Wireless telecommunications service provider" has the meaning given in section  
 1.22 237.01, subdivision 6, and includes a provider of mobile wireless telecommunications  
 1.23 service.

2.1 Subd. 2. "Kill switch" required. (a) Any smart phone sold or purchased new in  
2.2 Minnesota must be equipped with technology designed to render the device inoperable in  
2.3 the event of theft or loss.

2.4 (b) In order to comply with paragraph (a), any "kill switch" functionality must  
2.5 be designed to:

2.6 (1) lock all of the smart phone's user data, and ensure that it is only accessible to the  
2.7 user or a law enforcement officer subject to a valid search warrant;

2.8 (2) render the smart phone core functionality inoperable on any wireless  
2.9 telecommunications service provider's network globally;

2.10 (3) prevent the smart phone from being reactivated without a passcode or other  
2.11 similar authorization, even if the device is reprogrammed, is turned off and subsequently  
2.12 turned back on, has its network connectivity disabled and subsequently re-enabled, or  
2.13 has its SIM card removed; and

2.14 (4) be reversible in the event of the smart phone's recovery by its owner.

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

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

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

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

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

2.29 EFFECTIVE DATE. This section is effective July 1, 2015, and applies to smart  
2.30 phone sales made on or after that date.