

**HOUSE . . . . . No. 858**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

***John J. Binienda***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the sale of prepaid cell phones..

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John J. Binienda</i>	<i>17th Worcester</i>	<i>1/6/2011</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>	<i>1/13/2011</i>
<i>Harriette L. Chandler</i>		<i>1/13/2011</i>

**HOUSE . . . . . No. 858**

By Mr. Binienda of Worcester, a petition (accompanied by bill, House, No. 858) of John J. Binienda, John P. Fresolo and Harriette L. Chandler for legislation to require retailers to retain certain records relative to the purchase by consumers of prepaid cell phones. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3058 OF 2009-2010.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Eleven**

An Act relative to the sale of prepaid cell phones..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 269 of the General Laws, as appearing in the 2006 Official  
2 Edition, is hereby amended by adding after 14A the following section:

3 Section 14B. (a) A person who makes a retail sale of a prepaid cell phone shall, as a  
4 precondition to the sale, obtain and photograph or photocopy one or more identification  
5 documents identifying the purchaser by name and address. The seller shall for each retail sale  
6 make and keep for a period of at least 2 years:

- 7 1. a record of the serial number and manufacturer of the phone sold;
- 8 2. the phone number assigned to cell phone
- 9 3. an associated record of the service supplier who will supply service to the phone;

10 4. an associated record of the identification obtained from the purchaser; and

11 5. an associated record of the date and manner in which the information required under  
12 items numbered 1-4 in this subsection (a) was transmitted as required in subsection (b) which  
13 follows;

14 (b) All persons making retail sales of prepaid cell phones shall, not less frequently  
15 than monthly, transmit the records of each such sale required under subsection (a) to the service  
16 supplier supplying service to the phone as well as the attorney general.

17 (c) All service suppliers shall maintain the records supplied to them under this section  
18 for a period of at least 2 years.

19 Any person who violates any provision of subsections (a) through (c)  
20 shall be subject to a civil fine of \$50 per offense. Each separate transaction for which  
21 required records are not generated or maintained shall constitute a separate offense.

22 Any person purchasing a prepaid cell phone shall not purchase any more than 3 handsets  
23 in a 24 hour period. A violation of this subsection shall be punished by a fine of not less than  
24 \$50 nor more than \$200 or by imprisonment for not more than 6 months.

25 (f) The attorney general shall promulgate rules and regulations necessary to enforce  
26 this section.