HOUSE DOCKET, NO. 3152 FILED ON: 1/18/2013

HOUSE . . . . . No. 2912

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:
John J. Binienda	*17th Worcester*
Michael O. Moore	*Second Worcester*

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HOUSE . . . . . No. 2912

By Mr. Binienda of Worcester, a petition (accompanied by bill, House, No. 2912) of John J. Binienda and Michael O. Moore 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. *858* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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:

SECTION 1. Chapter 269 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding after 14A the following section:

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

1. a record of the serial number and manufacturer of the phone sold;

2. the phone number assigned to cell phone

3. an associated record of the service supplier who will supply service to the phone;

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

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