

HOUSE No. 3277

By Messrs. Binienda of Worcester and Fresolo of Worcester, petition of John J. Binienda and others for legislation to require retailers to retain certain records relative to the purchase by consumers of prepaid cell phones. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

PETITION OF:

John J. Binienda	Jennifer L. Flanagan
John P. Fresolo	Stephen M. Brewer
Kathi-Anne Reinstein	Louis L. Kafka
Barbara A. L'Italien	James E. Timilty
Richard T. Moore	

In the Year Two Thousand and Seven.

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 Chapter 269 of the General Laws, as appearing in the 2004
- 2 Official Edition, is hereby amended by adding after 14A the
- 3 following section:
- 4 Section 14B. (a) A person who makes a retail sale of a prepaid
- 5 cell phone shall, as a precondition to the sale, obtain and photograph
- 6 or photocopy one or more identification documents identifying the
- 7 purchaser by name and address. The seller shall for each retail sale
- 8 make and keep for a period of at least 2 years:
- 9 1. a record of the serial number and manufacturer of the phone
- 10 sold;
- 11 2. the phone number assigned to cell phone
- 12 3. an associated record of the service supplier who will supply
- 13 service to the phone;
- 14 4. an associated record of the identification obtained from the
- 15 purchaser; and

16 5. an associated record of the date and manner in which the infor-
17 mation required under items numbered 1-4 in this subsection (a)
18 was transmitted as required in subsection (b) which follows;

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

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

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

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

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