

HOUSE BILL No. 2026

By Committee on Judiciary

1-17

1 AN ACT concerning retail sales of mobile communication devices.

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3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. (a) Prior to the completion of any sale of a pre-paid mobile
5 device or SIM card to a purchaser, a seller shall require the purchaser to
6 provide the following:

7 (1) The full name of the purchaser;

8 (2) the complete home address of the purchaser; and

9 (3) a valid federal or state identification card.

10 (b) Upon completion of a sale of a pre-paid mobile device or SIM
11 card, a seller shall make a record of the sale that includes the following
12 information:

13 (1) The full name of the purchaser;

14 (2) the complete home address of the purchaser; and

15 (3) the identification number and type of identification of the official
16 federal or state identification card;

17 (4) the date of sale;

18 (5) the manufacturer of the pre-paid mobile device or SIM card;

19 (6) the wireless carrier that will provide wireless communication
20 service to the pre-paid mobile device or SIM card;

21 (7) any assigned telephone number or other subscriber or account
22 identifier known at the time of sale; and

23 (8) any of the following, if applicable to the pre-paid mobile device
24 or SIM card:

25 (A) International mobile equipment identifier number;

26 (B) electronic serial number;

27 (C) mobile equipment identifier;

28 (D) international mobile subscriber identifier; and

29 (E) machine address code.

30 (c) The seller shall maintain such record for one year after the date of
31 the sale of such pre-paid mobile device. Such record shall be made
32 available to law enforcement for inspection during such seller's business
33 hours.

34 (d) Not later than 30 days after the sale of a pre-paid mobile device or
35 SIM card, the seller shall transmit the record of the sale made in
36 accordance with subsection (b) to the Kansas bureau of investigation.

1 (e) Any seller who fails to comply with the requirements of
2 subsections (a), (b), (c) and (d) shall pay a fine of \$500 upon a first offense
3 and a fine of not less than \$1000 upon a second or subsequent offense.

4 (f) As used in this section:

5 (1) "Seller" means any business subject to the provisions of article 36
6 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto,
7 who sells pre-paid mobile devices or SIM cards;

8 (2) "pre-paid mobile device" means any cellular phone or similar
9 wireless communication device for which the mobile device user
10 purchases a set allotment of wireless communication services provided by
11 a wireless carrier;

12 (3) "SIM card" means a subscriber identity module or functionally
13 equivalent data storage device; and

14 (4) "wireless carrier" has the same meaning as in section 6(4) of the
15 wireless communications and public safety act of 1999 (47 U.S.C. §
16 615b(4)).

17 Sec. 2. This act shall take effect and be in force from and after its
18 publication in the statute book.