

SENATE No. 1571

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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 passage of the accompanying bill:

An Act relative to wireless carrier contracts.

PETITION OF:

NAME:

Cynthia S. Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

SENATE No. 1571

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1571) of Cynthia S. Creem for legislation relative to wireless carrier contracts. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
—————

An Act relative to wireless carrier contracts.

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 93 of the General Laws, as appearing in the 2010 Official Edition,
2 is hereby amended by inserting the following new sections:

3 Section 115: As used in sections 115-116, inclusive, the following words shall, unless the
4 context clearly requires otherwise, have the following meanings:-

5 “Department”, the Department of Telecommunications and Cable.

6 “Mobile electronic device”, any hand-held or other portable electronic equipment capable
7 of providing data communication between 2 or more persons, including, without limitation, a
8 mobile telephone, a text messaging device, a paging device, a personal digital assistant, a laptop
9 computer, electronic equipment that is capable of playing a video game or digital video disk,
10 equipment on which digital photographs are taken or transmitted or any combination thereof, or
11 equipment that is capable of visually receiving a television broadcast.

12 "Mobile telephone", a handheld or portable cellular, analog, wireless, satellite or digital
13 telephone, including a telephone with 2-way radio functionality, capable of sending or receiving
14 telephone communications.

15 “Wireless device services”, wireless communication services or functions that are
16 accessed from a mobile electronic device or mobile telephone, including but not limited to
17 receiving or transmitting telephone calls, electronic data, e-mail, or text messages.

18 “Wireless telephone service provider”, any entity that provides wireless telephone service
19 within the commonwealth.

20 Section 116: (a) If a wireless telephone service provider offers fixed term contracts for
21 wireless device services, then that wireless telephone service provider shall include a fixed term
22 contract for wireless device services of one year as part of its wireless device service options.

23 (b) All contracts for a fixed term of wireless device service shall have the same monthly
24 cost based on monthly minute usage and data usage, the number and type of mobile electronic
25 devices, and other relevant factors in determining the cost of such service, regardless of the
26 length of the fixed term.

27 (c) All contracts for a fixed term of wireless device service shall have the same fees and
28 penalties regardless of the length of the fixed term.

29 (d) If a wireless telephone service provider offers mobile electronic devices for free or for
30 sale at a reduced price when purchased in conjunction with a contract for wireless device
31 services for over one year, then that wireless telephone service provider shall also provide the
32 same mobile electronic device at a proportionally reduced price when purchased with a one year
33 fixed term contract for wireless device services.

34 (e) The department is authorized to promulgate such rules and regulations as it deems
35 necessary to implement the provisions of this section.