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SENATE BILL 67

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Michael Padilla

AN ACT

RELATING TO COMMUNICATIONS; REQUIRING ANTI-THEFT FUNCTIONS FOR
CELL PHONES AND OTHER MOBILE DEVICES TO DETER THEFT;
ESTABLISHING A REQUIREMENT FOR RESALE OF MOBILE COMMUNICATIONS
DEVICES; PRESCRIBING CIVIL PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] MOBILE COMMUNICATIONS DEVICE
ANTI-THEFT FUNCTIONALITY--SALE OF USED MOBILE COMMUNICATIONS
DEVICES--CIVIL PENALTIES.--

A. As used in this section, "mobile communications
device" means a cell phone or an electronic tablet.

B. Every new mobile communications device
manufactured on or after July 1, 2016 and sold in New Mexico
shall be equipped with a software application that enables an
authorized user to:

.197513.2

underscoring material = new
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1 (1) render the device inoperable by an
2 unauthorized user when the mobile communications device is not
3 in the possession of an authorized user; and

4 (2) restore the device to an operative state
5 after it has been rendered inoperable.

6 C. Beginning on July 1, 2016, a retailer shall not
7 pay for the purchase of a used mobile communications device
8 with cash.

9 D. A person who violates Subsection B of this
10 section may be assessed a civil penalty not to exceed five
11 hundred dollars (\$500) per sale of a mobile communications
12 device.

13 E. A person who violates Subsection C of this
14 section may be assessed a civil penalty not to exceed two
15 hundred dollars (\$200) per purchase of a mobile communications
16 device.