

ASSEMBLY, No. 3380

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

SYNOPSIS

Prohibits sale of certain mobile telecommunications devices unless device includes technology to remotely render device inoperable.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning technology to render mobile
2 telecommunications devices inoperable and supplementing Title
3 56 of the Revised Statutes.

4
5 BE IT ENACTED by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 “Advanced mobile telecommunications device” or “device”
11 means a device, including, but not limited to, a device commonly
12 known as a smartphone or tablet, that is capable of providing
13 wireless Internet access, in addition to enabling voice
14 communications using commercial mobile radio service, Internet
15 Protocol-enabled service, or Voice over Internet Protocol service.

16 “Commercial mobile service” shall have the same meaning as
17 provided in subsection (d) of section 332 of the Communications
18 Act of 1934 (47 U.S.C. s.332(d)).

19 “Internet Protocol-enabled service” shall have the same meaning
20 as provided in section 3 of P.L.2007, c.195 (C.48:17-34).

21 “Owner” means a person who has the legal right to possess, use,
22 or convey an advanced mobile telecommunications device.

23 “Technology” means any software, hardware, or combination
24 thereof installed on an advanced mobile telecommunications device.

25 “Voice over Internet Protocol service” shall have the same
26 meaning as provided in section 3 of P.L.2007, c.195 (C.48:17-34).

27
28 2. a. A retail seller of an advanced mobile
29 telecommunications device shall not sell a device in this State that
30 does not include technology that allows an owner to remotely
31 render inoperable the essential features of the device when the
32 device is not in possession of the owner. Essential features include,
33 but are not limited to, the ability to use the device for voice
34 communications, the ability to provide access to the Internet, and
35 the ability to access and use the device’s mobile application
36 programs.

37 b. The owner of an advanced mobile telecommunications
38 device may affirmatively elect to disable the technology that
39 remotely renders inoperable the device when not in possession of
40 the owner. The physical acts necessary to disable the technology
41 may only be performed by the owner, or the owner’s designee, to
42 disable the technology and shall not be physically performed by any
43 retail seller or provider of commercial mobile service of the
44 advanced mobile communications device.

45 c. A provider of commercial mobile service doing business in
46 this State shall not include a charge, discount, incentive, or other
47 term or condition in a service contract with a customer who
48 purchases a service contract in this State that requires or encourages

1 a customer or owner to disable the technology that remotely renders
2 inoperable the owner's advanced mobile telecommunications device
3 when the device is not in possession of the owner.

4
5 3. A retail seller of advanced mobile telecommunications
6 devices or a provider of commercial mobile service that violates
7 section 2 of P.L. , c. (C.) (pending before the Legislature as
8 this bill) shall be subject to a civil penalty of \$1,000 per device or
9 service contract sold. The penalty shall be collected and enforced
10 in a civil action in a summary proceeding pursuant to the "Penalty
11 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
12 The Superior Court shall have jurisdiction to enforce the provisions
13 of the "Penalty Enforcement Law of 1999" pursuant to this section.

14
15 4. This act shall take effect January 1st next following the date
16 of enactment.

17 18 19 STATEMENT

20
21 This bill prohibits a retail seller of an advanced mobile
22 telecommunications device (device), commonly referred to as a
23 smartphone or tablet, from selling a device in this State that does
24 not include technology that can remotely render inoperable the
25 essential features of the device when the device is not in possession
26 of the owner. The essential features of the device may include, but
27 are not limited to, the ability to use the device for voice
28 communications, the ability to provide access to the Internet, and
29 the ability to access and use the device's mobile application
30 programs. "Technology" is defined in the bill as any software,
31 hardware, or combination thereof installed on a device.

32 The owner of a device may disable the technology after
33 purchase. A provider of commercial mobile service is to not
34 include a charge, discount, incentive, or other term or condition in a
35 sales or service contract with a customer that requires or encourages
36 the customer or owner to disable the technological solution that
37 renders inoperable the owner's device.

38 A retail seller or provider of commercial mobile service that
39 violates the provisions of this bill is to be subject to a civil penalty
40 of \$1,000 per device or service contract sold.