

ASSEMBLY, No. 925

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

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District 34 (Essex and Passaic)

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District 26 (Essex, Morris and Passaic)

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Assemblyman Wimberly

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

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

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

1 inoperable the owner's advanced mobile telecommunications device
2 when the device is not in possession of the owner.

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

13
14 4. This act shall take effect January 1st next following the date
15 of enactment.

16 17 18 STATEMENT

19
20 This bill prohibits a retail seller of an advanced mobile
21 telecommunications device (device), commonly referred to as a
22 smartphone or tablet, from selling a device in this State that does
23 not include technology that can remotely render inoperable the
24 essential features of the device when the device is not in possession
25 of the owner. The essential features of the device may include, but
26 are not limited to, the ability to use the device for voice
27 communications, the ability to provide access to the Internet, and
28 the ability to access and use the device's mobile application
29 programs. "Technology" is defined in the bill as any software,
30 hardware, or combination thereof installed on a device.

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

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