

HOUSE RESEARCH

Bill Summary

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Overview

House File 1952 requires smart phones sold in Minnesota on or after January 1, 2015, to have a “kill switch” that renders them inoperable if lost or stolen. No additional fee may be charged to a consumer for a phone having this capability, and wireless service providers who do not comply with this act must provide theft insurance to the consumer at no cost.

Section

1 [325.68] Smart phone device “kill switch.”

Subd. 1. Definitions.

Subd. 2. “Kill switch” required. Requires smart phones sold or purchased in the state to have the capability of being rendered inoperable if they are lost or stolen. “Inoperable” means:

- all saved data is erased;
- the phone cannot be reactivated or reprogrammed without use of a passcode;
- the phone is disabled even if turned off or the data storage medium has been removed; and
- if recovered by the owner, the phone can be reactivated.

Both wireless service providers and smart phone manufacturers are jointly liable for complying with this requirement.

Section

Subd. 3. Additional fees prohibited. Prohibits service providers and smart phone manufacturers from assessing any charge to a consumer to comply with this section.

Subd. 4. Noncompliance; insurance. Requires a wireless service provider providing a consumer with a smart phone that does not comply with this section to insure the device against theft – with terms and conditions set by the commissioner of commerce – at no cost to the consumer. The wireless service provider must annually submit its theft insurance plan to the commissioner for approval.

Effective date. This section applies to smart phones sold on or after January 1, 2015.