

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 1952  
**Version:** As introduced

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**Subject:** Smart phones

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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.