S T A T E O F N E W Y O R K

4408

2013-2014 Regular Sessions

I N S E N A T E

March 26, 2013

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to prohibiting providers of wireless telephone services from activating certain mobile telephones

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 399-ccc to read as follows:

S 399-CCC. ACTIVATION OF CERTAIN MOBILE TELEPHONES. 1. A. NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, CORPORATION, OR OTHER BUSINESS WHO PROVIDES WIRELESS TELEPHONE SERVICE, AS SUCH TERM IS DEFINED IN PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION TWELVE HUNDRED TWENTY-FIVE-C OF THE VEHICLE AND TRAFFIC LAW, SHALL ACTIVATE A MOBILE TELEPHONE, AS SUCH TERM IS DEFINED IN SUBDIVISION ONE OF SECTION TWELVE HUNDRED TWENTY-FIVE-C OF THE VEHICLE AND TRAFFIC LAW, UNLESS ALL PERSONAL IDENTIFICATION INFORMATION OF ANY PREVIOUS OWNER OF SUCH MOBILE TELEPHONE HAS BEEN REMOVED FROM THE NUMBER ASSIGNMENT MODULE OR THE NUMBER ASSIGNMENT MODULE HAS BEEN REGISTERED TO THE PERSON ATTEMPTING TO ACTIVATE SUCH MOBILE TELEPHONE.

B. IF AN OWNER OF A MOBILE TELEPHONE REPORTS HIS OR HER PHONE STOLEN TO A SERVICE PROVIDER, SUCH SERVICE PROVIDER SHALL INCLUDE INFORMATION ON THE NUMBER ASSIGNMENT MODULE INDICATING THAT SUCH PHONE HAS BEEN STOLEN.

2. ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, CORPORATION, OR OTHER BUSINESS WHOSE INFORMATION IS REGISTERED TO THE NUMBER ASSIGNMENT MODULE OF A PARTICULAR MOBILE TELEPHONE, SHALL, PRIOR TO SELLING AND/OR TRANSFERRING SUCH PHONE TO ANY OTHER PERSON, CONTACT THE LAST PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, CORPORATION, OR OTHER BUSINESS WHO PROVIDED WIRELESS TELE-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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PHONE SERVICE FOR SUCH TELEPHONE TO REMOVE ANY EXISTING PERSONAL IDENTIFICATION INFORMATION FROM SUCH TELEPHONE.

3. FOR PURPOSES OF THIS SECTION, "NUMBER ASSIGNMENT MODULE" SHALL MEAN THE ELECTRONIC MEMORY OF A MOBILE TELEPHONE WHICH STORES THE MOBILE TELEPHONE NUMBER, AN ELECTRONIC SERIAL NUMBER AND OTHER INFORMATION WHICH IS SPECIFIC TO THAT PARTICULAR MOBILE TELEPHONE AND THE REGISTERED OWNER OF SUCH MOBILE TELEPHONE.

S 2. This act shall take effect immediately.