

**HOUSE BILL No. 2026**

By Committee on Judiciary

1-17

1 AN ACT concerning retail sales of mobile communication devices.

2  
3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. (a) Prior to the completion of any sale of a pre-paid mobile  
5 device or SIM card to a purchaser, a seller shall ~~require the purchaser to~~  
6 ~~provide the following:~~

require a purchaser to provide a government issued identification card and record the following information

- 7 (1) The full name of the purchaser;  
8 (2) the complete home address of the purchaser; and  
9 (3) ~~a valid federal or state identification card.~~

10 (b) ~~Upon completion of a sale of a pre-paid mobile device or SIM~~  
11 ~~card, a seller shall make a record of the sale that includes the following~~  
12 ~~information:~~

the activation code for the pre-paid mobile device or SIM card to be purchased.

- 13 ~~(1) The full name of the purchaser;~~  
14 ~~(2) the complete home address of the purchaser; and~~  
15 ~~(3) the identification number and type of identification of the official~~  
16 ~~federal or state identification card;~~  
17 ~~(4) the date of sale;~~  
18 ~~(5) the manufacturer of the pre-paid mobile device or SIM card;~~  
19 ~~(6) the wireless carrier that will provide wireless communication~~  
20 ~~service to the pre-paid mobile device or SIM card;~~  
21 ~~(7) any assigned telephone number or other subscriber or account~~  
22 ~~identifier known at the time of sale; and~~  
23 ~~(8) any of the following, if applicable to the pre-paid mobile device~~  
24 ~~or SIM card:~~

- 25 ~~(A) International mobile equipment identifier number;~~  
26 ~~(B) electronic serial number;~~  
27 ~~(C) mobile equipment identifier;~~  
28 ~~(D) international mobile subscriber identifier; and~~  
29 ~~(E) machine address code.~~

30 ~~(c) The seller shall maintain such record for one year after the date of~~  
31 ~~the sale of such pre-paid mobile device. Such record shall be made~~  
32 ~~available to law enforcement for inspection during such seller's business~~  
33 ~~hours.~~

A seller may charge up to a \$2 administrative fee per retail transaction for each pre-paid mobile device or SIM card.

(a)

34 ~~(d) Not later than 30 days after the sale of a pre-paid mobile device or~~  
35 ~~SIM card, the seller shall transmit the record of the sale made in~~  
36 ~~accordance with subsection (b) to the Kansas bureau of investigation.~~

1 (e) Any seller who fails to comply with the requirements of  
2 subsections (a), (b), (c) and (d) shall pay a fine of \$500 upon a first offense  
3 and a fine of not less than \$1000 upon a second or subsequent offense.

(c)

4 (f) As used in this section:

5 (1) "Seller" means any business subject to the provisions of article 36  
6 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto,  
7 who sells pre-paid mobile devices or SIM cards;

(d)

8 (2) "pre-paid mobile device" means any cellular phone or similar  
9 wireless communication device for which the mobile device user  
10 purchases a set allotment of wireless communication services provided by  
11 a wireless carrier;

12 (3) "SIM card" means a subscriber identity module or functionally  
13 equivalent data storage device; and

14 (4) "wireless carrier" has the same meaning as in section 6(4) of the  
15 wireless communications and public safety act of 1999 (47 U.S.C. §  
16 615b(4)).

January 1, 2014,  
and

17 Sec. 2. This act shall take effect and be in force from and after its  
18 publication in the statute book.