



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3539

Introduced 2/14/2014, by Sen. Toi W. Hutchinson

SYNOPSIS AS INTRODUCED:

New Act

Creates the Smart Phone Kill Switch Act. Requires any smart phone that is manufactured after the effective date of the Act and is sold or purchased at retail in this State to be equipped with the capability to render that smart phone completely inoperable if the phone is lost or stolen. Prohibits wireless telephone service providers and wireless telephone equipment manufacturers from charging any additional fee for a smart phone that has the capability of rendering the smart phone completely inoperable if it is lost or stolen. Provides a definition of "smart phone". Requires a wireless telephone service provider to insure a smart phone against theft if the wireless telephone service provider provides service to a smart phone that does not have the capability of rendering the phone completely inoperable.

LRB098 19572 RPS 54762 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Smart
5 Phone Kill Switch Act.

6 Section 5. Definitions. As used in this Act:

7 "Kill switch" means a functionality that can render a smart
8 phone completely inoperable in the event of theft or loss.

9 "Smart phone" means a cellular phone that is built on a
10 mobile operating system and possesses advanced computing
11 capability. Features a smart phone may possess include, but are
12 not limited to, built-in applications, Internet access,
13 digital voice service, text messaging, e-mail, and Internet
14 browsing.

15 "SIM card" means a card or other similar media that is
16 inserted into a smart phone and used to store data.

17 "Wireless telephone equipment manufacturer" means any
18 entity that manufactures cellular phones, including smart
19 phones.

20 "Wireless telephone service provider" includes a wireless
21 telephone service provider and its dealers, distributors, and
22 agents.

1 Section 10. Smart phone kill switch required.

2 (a) Any smart phone that is manufactured after the
3 effective date of this Act of the 98th General Assembly and is
4 sold or purchased at retail in this State shall be equipped
5 with a kill switch.

6 (b) To comply with the requirements of subsection (a) of
7 this Section, a kill switch must: (1) permanently remove all
8 saved data on the device; (2) render the smart phone completely
9 inoperable on any wireless telephone service provider's
10 network, including a wireless telephone service provider's
11 global network; (3) prevent the smart phone from being
12 reactivated or reprogrammed without a password or other similar
13 authorization; (4) disable the device even if it is turned off
14 or the SIM card or other data storage medium is removed; and
15 (5) be reversible if the device is recovered by its owner.

16 (c) Wireless telephone service providers and wireless
17 telephone equipment manufacturers shall ensure smart phones
18 sold in this State meet the requirements of this Section.

19 Section 15. Additional fees prohibited. Wireless
20 telephone service providers and wireless telephone equipment
21 manufacturers are prohibited from assessing any additional
22 fee, surcharge, tariff, or other charge to consumers for a kill
23 switch in a smart phone.

24 Section 20. Theft insurance.

1 (a) A wireless telephone service provider that provides
2 service to a smart phone that was sold or provided to a
3 consumer in violation of this Act must insure that smart phone
4 against theft at no cost to the consumer.

5 (b) The theft insurance required by subsection (a) of this
6 Section shall be in the form, amount, and duration determined
7 by the Illinois Commerce Commission by rule.