AN ACT

Requiring cell phones and devices utilizing Internet protocol-enabled service to obtain authorization by end-use consumers prior to transmitting certain information.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the End-Use Consumer Authorization Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"End-use consumer." A retail consumer of electronic goods.

"Internet protocol-enabled service." A service, capability, functionality or application provided using Internet protocol or any successor protocol that enables an end user to send or receive a communication in Internet protocol format or any successor format, regardless of whether the communication is
voice, data or video.

Section 3. Authorization required to transmit certain information.

(a) General rule.--A cell phone or device utilizing Internet protocol-enabled service sold in this Commonwealth shall require explicit authorization by the end-user consumer before transmitting the following information:

(1) Location or global positioning system data.
(2) Images or photographs from equipment on the device.
(3) Audio files or data from a microphone on the device.

(b) Authorization.--A one-time clear and affirmative authorization shall fulfill the requirement under subsection (a).

(c) Exception to authorization.--A distinct application or system service utilizing the capabilities specified in subsection (a) shall require a separate one-time clear and affirmative authorization.

Section 4. Violations.

A violation of this act shall be deemed a per se violation of the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law.

Section 5. Effective date.

This act shall take effect in 60 days.