
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1371 Session of
2007

INTRODUCED BY PASHINSKI, MOYER, BIANCUCCI, BOYD, GEIST, HARHAI,
HENNESSEY, HORNAMAN, JAMES, KILLION, KOTIK, MANN, MURT,
O'NEILL, PALLONE, PARKER, SCAVELLO, SEIP, SHIMKUS, SIPTROTH
AND K. SMITH, MAY 29, 2007

REFERRED TO COMMITTEE ON JUDICIARY, MAY 29, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for the registration of
3 prepaid wireless telephone sales; and prescribing penalties.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 7518. Prepaid wireless telephone sales.

9 (a) Verification of purchaser identity.--

10 (1) Any person who sells to a purchaser for cash
11 consideration a prepaid wireless telephone or who sells to a
12 purchaser for any form of consideration three or more prepaid
13 wireless telephones shall verify the identity of the
14 purchaser by using at least two forms of identifying
15 information from the purchaser, including one valid
16 government-issued photo identification card that includes a
17 photo driver's license or identification card issued by the

1 Department of Transportation or by any other state, armed
2 forces identification card, valid passport or a travel visa
3 issued by a foreign country that contains the purchaser's
4 photograph at the point of sale.

5 (2) A valid government-issued photo identification card
6 must contain the purchaser's name, date of birth and
7 signature. If it does not contain the purchaser's current
8 address, another document containing that address, such as a
9 current utility bill, residential lease agreement or
10 mortgage, must be presented by the purchaser.

11 (3) If the purchaser is a member of a religious sect or
12 community whose tenets forbid or discourage the taking of
13 photographs, the seller shall accept a valid driver's license
14 that does not include a photograph of the licensee or a
15 combination of three of the following types of
16 identification:

17 (i) a valid government-issued identification card;

18 (ii) a birth certificate; or

19 (iii) a Social Security card.

20 (b) Registration.--Any person who sells to a purchaser for
21 cash consideration a prepaid wireless telephone or who sells to
22 a purchaser for any form of consideration three or more prepaid
23 wireless telephones shall register the identity of the purchaser
24 on a written or electronic form, which includes, but is not
25 limited to, the following information:

26 (1) Purchaser's name.

27 (2) Purchaser's date of birth.

28 (3) Purchaser's residential address.

29 (4) Date of sale.

30 (5) Name of the manufacturer of the prepaid wireless

1 telephone.

2 (6) Name of the prepaid wireless telephone provider.

3 (7) Serial number of the wireless telephone sold.

4 (c) Duty to maintain registration information.--The seller
5 shall maintain the written or electronic registration form in a
6 secure file, facility or encrypted database until the form is
7 remitted to the Pennsylvania State Police on a quarterly basis.

8 (d) Disclosure to law enforcement.--The seller may disclose
9 purchaser registration information only to the following:

10 (1) Any investigative or law enforcement officer or any
11 person acting at the direction or request of an investigative
12 or law enforcement officer to investigate suspected criminal
13 activities who has secured a subpoena, warrant or court order
14 that satisfies the requirements of subsection (e).

15 (2) Any purchaser who provides written consent to
16 release the registration information upon request of any
17 person.

18 (e) Requirements for court order.--

19 (1) A court may issue a subpoena, warrant or court order
20 for disclosure of purchaser registration information under
21 this section only if there are specific and articulable facts
22 demonstrating reasonable grounds to believe that the
23 registration information is relevant and material to an
24 ongoing criminal investigation.

25 (2) On a motion made promptly by the seller, the court
26 issuing an order pursuant to this subsection may quash or
27 modify the order if the information or records requested are
28 unusually voluminous in nature or compliance with the order
29 would otherwise cause an undue burden on the seller.

30 (f) Immunity for sellers.--No cause of action shall lie

1 against any seller of prepaid wireless telephone service, its
2 officers, employees, agents or other specified persons for
3 providing information, facilities or assistance in accordance
4 with the terms of a court order, warrant or subpoena issued
5 under subsection (e).

6 (g) Violations.--

7 (1) Any person who sells a prepaid wireless telephone
8 and fails to verify the identity of the purchaser or who
9 fails to complete and remit the registration of all sales
10 transactions on a quarterly basis as required under this
11 section commits an offense.

12 (2) Any purchaser who possesses or uses false
13 identifying information or identifying information of another
14 person without the consent of that other person to purchase
15 prepaid wireless telephones commits an offense.

16 (3) (i) Each failure to comply with the requirements of
17 this section shall constitute a separate offense under
18 this subsection.

19 (ii) A violation of this section shall also
20 constitute a violation of section 4120 (relating to
21 identity theft).

22 (h) Grading.--

23 (1) Any person who violates subsection (g)(1) commits a
24 summary offense and shall, upon conviction, be ordered to pay
25 a fine of \$500. A second or subsequent violation is a
26 misdemeanor of the third degree and shall be punishable by a
27 fine of \$1,000.

28 (2) Any purchaser who violates subsection (g)(2) commits
29 a misdemeanor of the first degree. A second or subsequent
30 violation is a felony of the third degree.

1 (i) Definitions.--As used in this section, the following
2 words and phrases shall have the meanings given to them in this
3 subsection:

4 "Encryption." The use of an algorithmic process to transform
5 data into a form in which there is a low probability of
6 assigning meaning without use of a confidential process or key.

7 "Form." The written or electronic purchaser registration
8 document as promulgated by the Pennsylvania State Police.

9 "Identifying information." Any document, photographic,
10 pictorial or computer image of another person, or any fact used
11 to establish identity, including, but not limited to, a name,
12 birth date, Social Security number, driver's license number,
13 nondriver governmental identification number, telephone number,
14 checking account number, savings account number, student
15 identification number or employee or payroll number.

16 "Person." An individual, partnership, association, joint
17 stock company, trust, corporation, government entity, limited
18 liability company or any other entity.

19 "Prepaid wireless telephone." A handheld telecommunications
20 device that receives an analog signal or digital signal, or
21 both, and is paid for in advance, that enables the origination
22 of calls using an access number or authorization code, or both,
23 whether manually or electronically dialed, for a defined period
24 of time and in which there are generally no contracts, no
25 monthly bills, no credit checks, no deposits and no activation
26 fees.

27 Section 2. This act shall take effect in 90 days.