
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2371 Session of
2008

INTRODUCED BY PASHINSKI, MOYER, FLECK, GEIST, HORNAMAN, KORTZ,
McILVAINE SMITH, MURT, O'NEILL, QUINN, RUBLEY, SAYLOR,
SIPTROTH, WATERS AND YOUNGBLOOD, APRIL 15, 2008

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 15, 2008

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 a prepaid wireless telephone to
11 a purchaser for cash consideration, a debit card not linked
12 to a deposit account, a gift card or a gift certificate or
13 who sells three or more prepaid wireless telephones to a
14 purchaser for any form of consideration shall verify the
15 identity of the purchaser by using at least two forms of
16 identifying information from the purchaser, including one
17 valid government-issued photo identification card that
18 includes a photo driver's license or identification card

1 issued by the Department of Transportation or by any other
2 state, armed forces identification card, valid passport or a
3 travel visa issued by a foreign country that contains the
4 purchaser's 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 a prepaid wireless
21 telephone to a purchaser for cash consideration, a debit card
22 not linked to a deposit account, a gift card or a gift
23 certificate or who sells to a purchaser three or more prepaid
24 wireless telephones for any form of consideration shall register
25 the identity of the purchaser on a written or electronic form,
26 which includes, but is not limited to, the following
27 information:

28 (1) Purchaser's name.

29 (2) Purchaser's date of birth.

30 (3) Purchaser's residential address.

1 (4) Date of sale.

2 (5) Name of the manufacturer of the prepaid wireless
3 telephone.

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

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

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

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

12 (1) Any investigative or law enforcement officer or any
13 person acting at the direction or request of an investigative
14 or law enforcement officer to investigate suspected criminal
15 activities who has secured a subpoena or warrant.

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

19 (e) Immunity for sellers.--No cause of action shall lie
20 against any seller of prepaid wireless telephone service, its
21 officers, employees, agents or other specified persons for
22 providing information, facilities or assistance in accordance
23 with the terms of a warrant or subpoena issued.

24 (f) Grading.--

25 (1) Any person who sells a prepaid wireless telephone
26 and fails to verify the identity of the purchaser or who
27 fails to complete and remit the registration of all sales
28 transactions on a quarterly basis as required under this
29 section commits a summary offense and shall, upon conviction,
30 be sentenced to pay a fine of \$500. A second or subsequent

1 violation of this paragraph is a misdemeanor of the third
2 degree and shall be punishable by a fine of \$1,000.

3 (2) Any purchaser who possesses or uses false
4 identifying information or identifying information of another
5 person without the consent of that person to purchase a
6 prepaid wireless telephone commits a misdemeanor of the third
7 degree. A second and subsequent violation of this paragraph
8 is a misdemeanor of the second degree.

9 (3) Each failure to comply with the requirements of this
10 section shall constitute a separate offense under this
11 subsection.

12 (4) A violation of paragraph (2) shall also constitute a
13 violation of section 4120 (relating to identity theft).

14 (g) Definitions.--As used in this section, the following
15 words and phrases shall have the meanings given to them in this
16 subsection:

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

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

22 "Identifying information." Any document, photographic,
23 pictorial or computer image of another person, or any fact used
24 to establish identity, including, but not limited to, a name,
25 birth date, Social Security number, driver's license number,
26 nondriver governmental identification number, telephone number,
27 checking account number, savings account number, student
28 identification number or employee or payroll number.

29 "Person." An individual, partnership, association, joint
30 stock company, trust, corporation, government entity, limited

1 liability company or any other entity.

2 "Prepaid wireless telephone." A handheld telecommunications
3 device that receives an analog signal or digital signal, or
4 both, and is paid for in advance, that enables the origination
5 of calls using an access number or authorization code, or both,
6 whether manually or electronically dialed, for a defined period
7 of time and in which there are generally no contracts, no
8 monthly bills, no credit checks, no deposits and no activation
9 fees.

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