

**SENATE, No. 2378**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

INTRODUCED NOVEMBER 8, 2010

**Sponsored by:**

**Senator BARBARA BUONO**

**District 18 (Middlesex)**

**Senator JENNIFER BECK**

**District 12 (Mercer and Monmouth)**

**SYNOPSIS**

Requires wireless cell phone company to disable customer's cell phone GPS capability upon request.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning telecommunication information and  
2 supplementing P.L.1960, c.39 (C.56:8-1 et seq.).  
3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*  
6

7 1. For the purposes of this act:

8 "Caller location technology" means global positioning system  
9 function, cellular site information, and any other technology that  
10 would assist in tracking the physical location of a wireless  
11 communication device;

12 "Subscriber" means any person to whom wireless telephone  
13 service is provided;

14 "Wireless telephone service" means commercial mobile service,  
15 as defined in 47 U.S.C.s.332(d); and

16 "Wireless telephone service provider" or "provider" means any  
17 person providing wireless telephone service, or any sales person  
18 employed by a provider, or any direct or indirect affiliate or agent  
19 of a provider who sells a wireless communication device to a  
20 subscriber.  
21

22 2. a. Any subscriber may contact their wireless telephone  
23 service provider to request that the caller location technology of  
24 that subscriber's wireless communication device be disabled. Upon  
25 receiving such a request from a subscriber, the wireless telephone  
26 service provider shall immediately disable the caller location  
27 technology of that subscriber's wireless communication device.

28 b. Each wireless service provider operating in this State shall  
29 establish and maintain a separate telephone number and e-mail  
30 address for the purpose of receiving and responding to calls from  
31 subscribers seeking to disable the caller location technology of a  
32 wireless communication device.  
33

34 3. a. A wireless telephone service provider operating in this  
35 State who sells a wireless communication device to a subscriber  
36 shall, at the time of the sale, verbally inform the subscriber that the  
37 caller location technology of the wireless communication device  
38 may be disabled by the subscriber, or remotely by the service  
39 provider at the request of the subscriber. The wireless telephone  
40 service provider shall verbally inform the subscriber of a telephone  
41 number and e-mail address that the subscriber may use to contact  
42 the provider in order to request that the caller location technology  
43 be disabled.

44 b. In addition to the verbal information provided under  
45 subsection a. of this section, a wireless telephone service provider  
46 shall submit a written document to every subscriber who purchases  
47 a wireless communication device. The document shall inform the  
48 subscriber that the wireless communication device may be disabled

1 by the subscriber, or remotely by the service provider at the request  
2 of the subscriber. The document shall meet all of the following  
3 requirements:

4 (1) it shall be a separate document that is not attached to a  
5 contract for wireless telephone service, or to any other document;

6 (2) it shall be signed and dated by the subscriber;

7 (3) it shall list a telephone number and e-mail address  
8 established pursuant to subsection b. of section 2 of P.L. ,  
9 c. (C. ) (pending before the Legislature as this bill.) that the  
10 subscriber may use to contact the provider in order to request that  
11 the caller location technology be disabled.

12 (4) it shall be unambiguous and legible, and shall conspicuously  
13 disclose that, by signing the document, the subscriber has been  
14 informed both verbally and in writing that the caller location  
15 technology of that subscriber's wireless communication device may  
16 be disabled.

17 c. Each subscriber shall be given a copy of the document, and a  
18 separate copy may be retained by the wireless telephone service  
19 provider.  
20

21 4. a. If a subscriber purchases a wireless communication device  
22 via the provider's Internet web site, the provider shall inform the  
23 subscriber that the caller location technology of the wireless  
24 communication device may be disabled either by the subscriber, or  
25 remotely by the provider at the subscriber's request, via an  
26 electronic document posted on a separate web page that shall  
27 become visible when the subscriber is purchasing the wireless  
28 communication device. The electronic document shall meet all of  
29 the following requirements:

30 (1) it shall be designed to be completed interactively and  
31 electronically signed and dated by the subscriber;

32 (2) it shall list a telephone number and e-mail address  
33 established pursuant to subsection b. of section 2 of P.L. ,  
34 c. (C. ) ( pending before the Legislature as this bill.) that the  
35 subscriber may use to contact the provider in order to request that  
36 the subscriber's caller location technology be disabled;

37 (3) it shall be unambiguous and legible, and shall conspicuously  
38 disclose that, by electronically signing the document, the subscriber  
39 has been informed in writing that the caller location technology of  
40 that subscriber's wireless communication device may be disabled;  
41 and

42 (4) it shall be available in a printable format and may be printed  
43 by the subscriber after the subscriber electronically signs the  
44 document.

45 b. A subscriber shall not be permitted to complete a cell phone  
46 purchase via the provider's Internet web site, unless that subscriber  
47 confirms that they have read the document and electronically signs  
48 and dates the document.

1 c. A provider shall not be required to verbally inform a  
2 subscriber that the caller location technology may be disabled as  
3 required under subsection b. of section 3 of P.L. , c. (C. )  
4 (pending before the Legislature as this bill.) if that subscriber  
5 purchases the wireless communication device via the provider's  
6 Internet web site.

7  
8 5. Each wireless telephone service provider shall inform  
9 subscribers who purchased a wireless communication device prior  
10 to the effective date of this act, that the caller location technology  
11 of the wireless communication device may be disabled either by the  
12 subscriber, or remotely by the provider at the subscriber's request,  
13 via an electronic text message or e-mail sent directly to the  
14 subscriber's wireless communication device.

15  
16 6. Failure on the part of a wireless telephone service provider  
17 to comply P.L. , c. (C. ) (pending before the Legislature as this  
18 bill.) shall constitute an unlawful practice under P.L.1960, c.39  
19 (C.56:8-1 et seq.).

20  
21 7. This act shall take effect on the first day of the seventh  
22 month following enactment.

#### 23 24 25 STATEMENT

26  
27 This bill requires cell phone companies to disable the global  
28 positioning system (GPS) function of a customer's cell phone, at the  
29 customer's request. In addition, cell phone companies are to  
30 establish and maintain a phone number and e-mail address that a  
31 customer may use to request that his or her cell phone GPS function  
32 be disabled.

33 The bill further requires cell phone companies to inform  
34 customers who purchase a new cell phone that the phone's GPS  
35 capability may be disabled. This information is to be provided both  
36 verbally and in writing. The written document issued to a customer  
37 is required to be signed and dated by the customer, and is to  
38 disclose that the customer has been informed, both verbally and in  
39 writing, that the cell phone's GPS function may be disabled. The  
40 document is to be issued separately from any other document, and  
41 must list the telephone number and e-mail address that the customer  
42 may use to disable the GPS function of his or her cell phone.

43 If a customer purchases a cell phone online, the bill requires that  
44 a cell phone company inform the customer that the cell phone GPS  
45 capability may be disabled through a document posted on the  
46 Internet. The customer would not be permitted to complete the  
47 purchase unless he or she electronically signs and dates the

1 document. The electronic document would provide the same  
2 information as a document issued in person.

3 Finally, all cell phone companies who entered into a contract  
4 with customers prior to the bill's effective date would be required to  
5 send those customers a text message providing information that a  
6 cell phone's GPS capability may be disabled.

7 A cell phone company's failure to comply with the provisions of  
8 the bill would constitute an unlawful practice. An unlawful practice  
9 under the Consumer Fraud Act is punishable by a monetary penalty  
10 of not more than \$10,000 for a first offense and not more than  
11 \$20,000 for any subsequent offense. In addition, a violation can  
12 result in cease and desist orders issued by the Attorney General, the  
13 assessment of punitive damages and the awarding of treble damages  
14 and costs to the injured party.

WITHDRAWN