

## CHAPTER 154

AN ACT concerning secondhand cellular telephones and wireless communication devices and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

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

C.56:8-233 Secondhand cellular telephone transactions, dealer, documentation, device identifier.

1. a. As used in this section:

“Secondhand dealer” means any person who engages in the business of purchasing, selling, receiving, trading, consignment selling, or otherwise transferring for value any secondhand property. This term shall not include providers of commercial mobile service, as defined in 47 U.S.C. s.332(d), the provider’s authorized agents and retailers that have contractual relationships with the provider to sell the provider’s authorized products and services, an entity licensed to provide portable electronics insurance, as defined in section 1 of P.L.2012, c.56 (C.17:22A-49), or an affiliate of an entity licensed to provide portable electronics insurance. This term includes an automated kiosk that purchases secondhand property.

“Secondhand property” means any previously owned cellular telephone or wireless communication device.

“Wireless communication device” means any device through which personal wireless services, as defined in 47 U.S.C. s.332(c)(7)(C)(i), are transmitted.

b. (1) At the time of each transaction, a secondhand dealer shall document the description of each cellular telephone or wireless communication device and shall include a device identifier, to mean the Mobile Equipment Identifier, International Mobile Station Equipment Identity, or Electronic Serial Number of the wireless communication device. If the device identifiers are not available at the time of the transaction, the secondhand dealer shall update the description of the device with a device identifier as soon as commercially practicable.

(2) The record maintained pursuant to this subsection also shall include a receipt with the purchase amount and a statement that the person selling the cellular telephone or wireless communication device is of lawful age, that the driver’s license number or other government-issued identification number and all other identifying information provided by the seller are true and correct, and that the person selling the cellular telephone or wireless communication device is the lawful owner of the cellular telephone or wireless communication device with absolute authority to sell the cellular telephone or wireless communication device.

c. It shall be unlawful for any person who sells a cellular telephone or wireless communication device to a secondhand dealer to submit false or fraudulent information to a secondhand dealer on any receipt required under this section.

d. A secondhand dealer shall not sell a cellular telephone or wireless communication device that was knowingly acquired through false or fraudulent information.

e. Prior to purchase, every secondhand dealer shall require two forms of identification to be shown by each person attempting to sell any cellular telephone or wireless communication device. At least one of the two forms of identification shall be photographic identification issued by a federal, state, or local governmental entity. Forms of identification may include, but are not limited to, a state driver’s license, a state identification card, a passport, a military identification card, a credit card, or a utility bill.

If the seller does not have photographic identification issued by a federal, state, or local governmental entity, the secondhand dealer shall:

(1) photograph the seller in color;

(2) ensure the photograph clearly shows the face of the seller sufficient to identify the person; and

(3) on the documentation accompanying the photograph, record the seller's name, residence address, date of birth, gender, height, and weight.

A photograph that meets the requirements of paragraphs (1) through (3) of this subsection shall be deemed a form of photographic identification for the purposes of this subsection.

An automated kiosk that requires a person attempting to sell a cellular telephone or wireless communication device to provide a government or state-issued identification card is exempt from the identification requirements of this subsection.

f. A secondhand dealer shall not remove, alter, or obliterate any manufacturer's make, model, or serial number; personal identification number; or identifying marks engraved or etched on a cellular telephone or wireless communication device. A secondhand dealer shall not purchase a cellular telephone or wireless communication device where the manufacturer's make, model, or serial number; personal identification number; or identifying marks engraved or etched on the device have been removed, altered, or obliterated.

g. (1) The records required pursuant to this section shall be maintained by a secondhand dealer for a period of one year after the purchase of a cellular telephone or wireless communication device by a secondhand dealer and shall, at all times during the secondhand dealer's business hours, be open to inspection by a member of a State, county, or municipal law enforcement agency.

(2) A secondhand dealer shall make available any records requested for inspection by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

(3) A secondhand dealer shall not sell or share information or data regarding a person who sells a cellular telephone or wireless communication device to the dealer without that person's written consent and shall securely maintain the information or data pursuant to rules or regulations as may be established by the director.

h. Any person who violates the provisions of this section shall be liable to a civil penalty of not more than \$250 for a first offense, not more than \$500 for a second offense, and not more than \$1,000 for a third or subsequent offense which may be imposed by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety and shall be collected in a summary proceeding before a court of competent jurisdiction pursuant to the provisions of the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Each transaction in violation of this section shall constitute a separate offense.

A violation of this section shall not be considered an unlawful practice in violation of P.L.1960, c.39 (C.56:8-1 et seq.).

2. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may promulgate rules and regulations to effectuate the provisions of this act.

3. This act shall take effect immediately.

Approved October 20, 2025.