

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1839

5 By: Representative L. Johnson
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For An Act To Be Entitled

8 AN ACT TO PROHIBIT A MINOR FROM PURCHASING A PREPAID
9 MOBILE DEVICE; TO ESTABLISH THE PREPAID MOBILE DEVICE
10 PROTECTION ACT; AND FOR OTHER PURPOSES.
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Subtitle

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13 TO PROHIBIT A MINOR FROM PURCHASING A
14 PREPAID MOBILE DEVICE; AND TO ESTABLISH
15 THE PREPAID MOBILE DEVICE PROTECTION ACT.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 4 is amended to add an additional
22 chapter to read as follows:

CHAPTER 118

PREPAID MOBILE DEVICE PROTECTION ACT

4-118-101. Title.

27 This chapter shall be known and may be cited as the "Prepaid Mobile
28 Device Protection Act".
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4-118-102. Definitions.

As used in this chapter:

32 (1) "Minor" means an individual under eighteen (18) years of
33 age;

34 (2) "Mobile device user" means a person that buys a mobile
35 device or similar wireless communication device or a set allotment of
36 wireless communication services through refilling of wireless communication



1 services for a prepaid mobile device;

2 (3)(A) "Person" means an individual, retailer, corporation,
3 limited liability company, firm, company, association, or other entity.

4 (B) "Person" includes:

5 (i) An authorized reseller that is authorized by a
6 manufacturer to sell the manufacturer's mobile device; and

7 (ii) A wireless carrier that is authorized to sell a
8 prepaid mobile device through which the wireless carrier will provide
9 wireless communication services.

10 (C) "Person" does not include a parent, including without
11 limitation a biological parent, adoptive parent, stepparent, legal guardian,
12 or other legal custodian of a minor;

13 (4) "Prepaid mobile device" means a cellular telephone or other
14 communication device for which the mobile device user purchases a set
15 allotment of wireless communication services;

16 (5) "Purchaser" means a person that for a prepaid mobile device
17 has paid compensation, traded, or transferred another item of value;

18 (6) "Sell" means to sell, trade, deliver, or transfer a prepaid
19 mobile device to a person for compensation or another item of value;

20 (7) "Wireless carrier" means a provider of wireless
21 communication services; and

22 (8) "Wireless communication services" means any mobile service
23 that is provided for profit and makes interconnected service available to the
24 public.

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26 4-118-103. Sale of prepaid mobile device – Prohibition – Verification
27 required.

28 (a) A person shall not:

29 (1) Purchase a prepaid mobile device for a minor in this state;

30 (2) Sell a prepaid mobile device to a minor in this state; or

31 (3) Refill a prepaid mobile device with wireless communication
32 services on a previously purchased prepaid mobile device for a minor in this
33 state.

34 (b) Before a person sells a prepaid mobile device to a mobile device
35 user, the person shall verify that the purchaser is not a minor by requiring
36 the purchaser to display a driver's license or other personal identification

1 card issued by the federal government or a state government that provides the
2 date of birth of the purchaser.

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4 4-118-104. Penalty.

5 A person that violates this chapter or who knowingly purchases a
6 prepaid mobile device or wireless communication services for a minor or
7 knowingly sells a prepaid mobile device or wireless communication services to
8 a minor shall be guilty of a violation and fined no less than one hundred
9 dollars (\$100).

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