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HOUSE FILE NO. 854

FIRST COMMITTEE ENGROSSMENT

February 16, 2009

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The bill was read for the first time and referred to the Committee on Commerce and Labor

Referred by Chair to Telecommunications Regulation and Infrastructure Division.

March 13, 2009

Returned to the Committee on Commerce and Labor as Amended.

1.1 A bill for an act
1.2 relating to consumer protection; limiting customer liability for unauthorized use
1.3 of lost or stolen cellular phones; proposing coding for new law in Minnesota
1.4 Statutes, chapter 325F.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[325F.696] LOST OR STOLEN CELLULAR PHONES.**

1.7 **Subdivision 1. Unauthorized use.** A person is not liable for any amount resulting
1.8 from the unauthorized use of a cellular phone after receipt by the wireless service provider
1.9 of notice that the phone has been lost or stolen and from which the person or a member of
1.10 the person's family or household derives no benefit.

1.11 **Subd. 2. Unauthorized use defined.** For purposes of subdivision 1, "unauthorized
1.12 use" means use by a person other than the customer who does not have actual, implied,
1.13 or apparent authority for the use.