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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE NO. **854**

February 16, 2009

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

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. **Liability limited.** A person is not liable for any amount in excess of  
1.8 \$50 resulting from the unauthorized use of a cellular phone from which the person or a  
1.9 member of the person's family or household derives no benefit. The limitation on liability  
1.10 in this subdivision is effective only if the wireless service provider is notified of any  
1.11 unauthorized charges contained in a bill within 60 days of receipt of the bill.

1.12 Subd. 2. **Unauthorized use.** A person is not liable for any amount resulting from  
1.13 the unauthorized use of a cellular phone after receipt by the wireless service provider of  
1.14 notice that the phone has been lost or stolen and from which the person or a member of the  
1.15 person's family or household derives no benefit.

1.16 Subd. 3. **Unauthorized use defined.** For purposes of subdivisions 1 and 2,  
1.17 "unauthorized use" means use by a person other than the customer who does not have  
1.18 actual, implied, or apparent authority for the use.