

February 15, 2013

Representative Joe Seiwert
Chair, House Utilities and Telecommunications Committee
State Capitol Building
Room: 521-E, Seat: 115
Topeka, KS 66612

Representative Randy Garber
Vice-Chair, House Utilities and Telecommunications Committee
State Capitol Building
Room: 459-W, Seat: 71
Topeka, KS 66612

RE: Opposition to House Bill 2026

Dear Chairman Seiwert and Vice-Chair Garber,

On behalf of CTIA-The Wireless Association®, I am writing to respectfully oppose House Bill 2026 related to prepaid registration and identification. House Bill 2026 is unnecessary and could result in limiting access to communication services.

CTIA is the international trade association for the wireless communications industry. Membership in the association includes wireless providers and their suppliers, including the major wireless carriers, AT&T, Verizon, Sprint, T-Mobile, TracFone and Cricket, as well as manufacturers of wireless data services and products.

House Bill 2026 would require any seller of a prepaid mobile device or SIM card to collect certain information from the purchaser including, but not limited to: full name, complete home address, federal or state identification card. The seller would also be required to keep a record of the purchaser's information for one year after the date of the purchase and would be subject to monetary penalties for failure to retain and produce the records.

House Bill 2026 is unnecessary. Existing tools may be used to assist law enforcement agencies in apprehending criminals using prepaid wireless devices. Wireless providers work with state, local and federal law enforcement agencies to respond to subpoena requests for call records, execute court-ordered wiretaps on wireless devices and respond to emergency requests in exigent circumstances. Wireless providers comply with all federal laws in this area and have dedicated centralized teams in place to respond to law enforcement inquiries. Additionally, law enforcement can already use the same tools to investigate call records of prepaid wireless devices as it uses to investigate those of postpaid wireless devices.

Secondly, House Bill 2026 might have the unintended consequence of hampering citizens from purchasing prepaid wireless services and limiting access to communications services. Consumers who currently purchase prepaid wireless services include senior citizens who are limited wireless users, parents who want to better manage their children's cell phone use, customers with limited or poor credit histories who cannot meet credit standards to obtain wireless contracts, and domestic violence victims who want to secure a communications device without fear of their personal information being disclosed. House Bill 2026 may hinder these law-abiding consumers from obtaining access to wireless communications services.

Finally, no state in the United States has enacted a law comparable to House Bill 2026. In fact, the Georgia legislature studied this exact issue and found that “placing extra burdens on resellers of prepaid phones only, within the state of Georgia, would do little to prevent their use in organized crime, but would have adverse effects on retailers...”¹ As a result, Georgia and ten other states have also rejected similar legislation.

In closing, for the reasons described herein, we respectfully request the Committee reject and oppose House Bill 2026.

Respectfully,



Bethanne Cooley
Director, State Legislative Affairs
CTIA-The Wireless Association

¹ Georgia House Resolution 609, 2007.