

Senate Bill 136

By: Senators Hamrick of the 30th, Whitehead, Sr. of the 24th, Chapman of the 3rd and Carter of the 13th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,
2 relating to telephone service in general, so as to require certain records and procedures with
3 respect to the retail sale of prepaid cell phones; to define terms; to require identification of
4 the purchaser in retail sales; to require identifying records of purchasers and phones to be
5 generated and maintained; to provide criminal penalties for noncompliance; to provide for
6 other related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to
10 telephone service in general, is amended by adding a new Code Section as follows:

11 "46-5-29.

12 (a) As used in this Code section, the term:

13 (1) 'Prepaid cell phone' means a telephone sold at retail for the provision of wireless
14 service under conditions where charges for the use of the phone are paid in advance
15 rather than billed to the customer.

16 (2) 'Service supplier' means a person or entity who or which provides wireless service
17 to an end user.

18 (3) 'Wireless service' has the same meaning specified in paragraph (3) of subsection (a)
19 of Code Section 46-5-28.

20 (b) A person who makes a retail sale of a prepaid cell phone shall, as a precondition to the
21 sale, obtain and photograph or photocopy one or more identification documents identifying
22 the purchaser by name and address. The seller shall for each retail sale make and maintain
23 said records at the place of purchase for a period of at least one year:

24 (1) A record of the serial number and manufacturer of the phone sold;

25 (2) An associated record of the service supplier who will supply service to the phone;

26 and

- 1 (3) An associated record of the identification obtained from the purchaser.
2 (c) Any person who violates any provision of this Code section shall upon conviction be
3 guilty of a misdemeanor. Each separate transaction for which required records are not
4 generated or maintained shall constitute a separate offense."

5 **SECTION 2.**

6 All laws and parts of laws in conflict with this Act are repealed.