

SENATE BILL REPORT

SB 5283

As of February 4, 2009

Title: An act relating to the replacement of nonfunctioning wireless communications devices.

Brief Description: Concerning the replacement of nonfunctioning wireless communications devices.

Sponsors: Senators Keiser, Holmquist, Eide, Pridemore, Kline, Kauffman and Kohl-Welles.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 2/05/09.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Alison Mendiola (786-7483)

Background: Under the Federal Telecommunications Act (47 U.S.C. § 332(c)(3)(A)), the federal government has the exclusive authority to regulate cellular (or wireless) service providers' rates and entry into the market. However, individual states are expressly reserved the right to regulate the terms and conditions of cell phone services.

Authority to regulate wireless service providers on the federal level is delegated to the Federal Communications Commission (FCC).

The Washington State Office of the Attorney General (AG) receives consumer complaints for a number of issues, including issues related to cell phones and wireless service providers. In 2008 the AG received 1,728 complaints in the communications category, which includes cell phones and wireless service providers. This category received the highest number of complaints during the last eight years.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): If a cell phone under contract and out of warranty fails to work due to a defect, malfunction, or failure of one or more of the components of the device, the service provider is to replace the phone with a similar phone or allow the consumer to terminate the cell phone contract without imposing any termination or penalty fees.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The service provider is not required to replace a phone that is not working due to consumer misuse or abuse.

A violation of this chapter is a violation of the Consumer Protection Act.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: None.

Effective Date: Ninety days after adjournment of session in which bill is passed.