

112TH CONGRESS  
1ST SESSION

# H. R. 3629

To require retail establishments that use mobile device tracking technology to display notices to that effect.

---

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2011

Mr. SERRANO introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To require retail establishments that use mobile device tracking technology to display notices to that effect.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. NOTICES REGARDING USE OF MOBILE DEVICE**  
4                       **TRACKING TECHNOLOGY BY RETAIL ESTAB-**  
5                       **LISHMENTS.**

6       (a) IN GENERAL.—A person who owns or operates  
7       a retail establishment and uses mobile device tracking  
8       technology in such establishment shall display in a promi-  
9       nent location in such establishment a notice that such

1 technology is in use and that individuals can avoid being  
2 tracked by turning off their mobile devices.

3 (b) REGULATIONS.—Not later than 180 days after  
4 the date of the enactment of this Act, the Federal Trade  
5 Commission shall promulgate regulations under section  
6 553 of title 5, United States Code, to implement sub-  
7 section (a).

8 **SEC. 2. ENFORCEMENT BY FEDERAL TRADE COMMISSION.**

9 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—  
10 A violation of section 1(a) or a regulation promulgated  
11 pursuant to section 1(b) shall be treated as an unfair or  
12 deceptive act or practice in violation of a regulation under  
13 section 18(a)(1)(B) of the Federal Trade Commission Act  
14 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive  
15 acts or practices.

16 (b) POWERS OF COMMISSION.—The Federal Trade  
17 Commission shall enforce this Act in the same manner,  
18 by the same means, and with the same jurisdiction, pow-  
19 ers, and duties as though all applicable terms and provi-  
20 sions of the Federal Trade Commission Act (15 U.S.C.  
21 41 et seq.) were incorporated into and made a part of this  
22 Act. Any person who violates this Act or the regulations  
23 promulgated under this Act shall be subject to the pen-  
24 alties and entitled to the privileges and immunities pro-  
25 vided in the Federal Trade Commission Act.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) MOBILE DEVICE.—The term “mobile de-  
4 vice” means—

5 (A) a mobile telephone; or

6 (B) any device that uses or provides access  
7 to mobile broadband service.

8 (2) MOBILE DEVICE TRACKING TECHNOLOGY.—

9 The term “mobile device tracking technology” means  
10 technology that tracks the movement of an indi-  
11 vidual using the radio signal emitted by a mobile de-  
12 vice.

13 **SEC. 4. EFFECTIVE DATE.**

14 This Act shall take effect on the date that is 180 days  
15 after the date of the enactment of this Act.

○