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AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 641*

House Bill No. 906

by deleting all language after the enacting clause and by substituting instead the following:

Section 1. This act shall be known and may be cited as the "Prevention of Youth Access to Electronic Pagers Act of 1996".

Section 2. The purpose of this act is to reduce the access of persons under eighteen (18) years of age to electronic pagers by creating prohibitions against the sale and distribution of electronic pagers to such persons, prohibiting the purchase or receipt of electronic pagers by such persons, restricting the distribution and sale of electronic pagers other than in conformity with this act, and ensuring uniform regulations with respect to electronic pagers. It is the intent of the general assembly to:

(1) protect the interest of parents in rearing their children by requiring parental involvement in the process of obtaining electronic pagers; and

(2) protect the well-being and welfare of its youth from the use, sale and propagation of illegal drugs by regulating their access to electronic pagers.

Section 3. As used in this act, unless the context otherwise requires:

(1) "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or association;

(2) "Proof of age" means a driver license or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older, contains a photograph or other likeness of the individual, and appears on its face to be valid.

Section 4.

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(a) No person shall sell or distribute any electronic pager to another person who has not attained eighteen (18) years of age or purchase an electronic pager on behalf of any such person.

(b) No person shall persuade, entice, send or assist a person who has not attained eighteen (18) years of age to purchase, acquire, receive or attempt to purchase, acquire or receive an electronic pager. This section shall not be deemed to preclude law enforcement efforts involving the use of individuals under eighteen (18) years of age if a parent of the individual has consented to this action.

(c) A person engaged in the sale or distribution of electronic pagers shall demand proof of age from a prospective purchaser or recipient.

(d) Any person who violates this section on three (3) separate occasions is prohibited from selling electronic pagers and from possession of such products for resale for a period of five (5) years from the date of the last violation. Proof that the alleged violator demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this section.

(e) If the sale is made by an employee of the owner of a store at which electronic pagers are sold at retail, the employee shall be liable for a civil penalty as provided in Section 8.

(f) For purposes of determining the liability of a person controlling franchises or business operations at which electronic pagers are sold at retail in

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multiple locations for a second or subsequent violation of this section, each individual franchise or business location shall be deemed a separate entity.

(g) The owner or proprietor of a store at which electronic pagers are sold at retail shall also be deemed to violate this section if such owner or proprietor knowingly permits an employee to violate the provisions of this section.

Section 5. A person who has not attained eighteen (18) years of age shall not purchase or accept receipt of an electronic pager, or present or offer to any person any purported proof of age which is false, fraudulent, or not actually that person's own for the purpose of purchasing or receiving an electronic pager.

Section 6.

(a) No person shall provide false information of a material nature on either the parental or guardianship status of the person filling out a contract to purchase an electronic pager.

(b) Any lease or service contract for the operation or maintenance of an electronic pager which requires renewal after the effective date of this act shall require written a parental \ guardian signature if the person seeking to renew their contract is under eighteen (18) years of age.

Section 7.

(a) On and after July 1, 1996, every person who sells electronic pagers at retail shall post conspicuously, near each point of sale, and

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keep so posted at the place of business a sign, no smaller than ninety-three and one-half (93 1/2) square inches stating the following:

STATE LAW STRICTLY PROHIBITS THE SALE OR LEASE OF ELECTRONIC PAGERS TO PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS. PROOF OF AGE REQUIRED

(b) No notice regarding electronic pager products, other than the notice required by this section shall be posted or maintained in any store that sells electronic pagers at retail.

Section 8.

(a) The department of youth development shall enforce the provisions of this act.

(b) Any violation of the provisions of this act shall be punished by a civil penalty of one thousand dollars (\$1,000).

Section 9. The provisions of this act shall only apply in counties having a population in excess of 140,000 and in counties having a population of not less than 77,800 nor more than 78,000 according to the 1990 federal census of population or any subsequent federal census.

Section 10. Tennessee Code Annotated, Title 4, Chapter 3, Part 26, is amended by adding Sections 1 through 9 of this act.

Section 11. This act shall take effect July 1, 1996, the public welfare requiring it.

House Commerce
Committee Amendment #1

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