

Amendment - 1st Reading-white - Requested by: Kenneth Bogner - (S) Energy, Technology & Federal Relations

- 2025

69th Legislature 2025

Drafter: Jason Mohr,

SB0364.001.003

SENATE BILL NO. 364

INTRODUCED BY K. BOGNER

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING KILL SWITCH LAWS; PROHIBITING AN ENTITY FROM REMOTELY ACTIVATING A KILL SWITCH WITHOUT A WARRANT; PROVIDING AN EXCEPTION; PROVIDING DAMAGES; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Kill switches ~~in electronic consumer products on personally owned~~ property -- warrant required -- exceptions -- definitions. (1) An entity may not activate a kill switch on an individual's electronic consumer product personally owned property without a court order or a warrant issued pursuant to Title 46, chapter 5, part 2.

(2) This section does not apply to subscriptions, memberships, and other recurring-payment programs ~~or to leased electronic consumer products~~. In the event an individual neglects to make regular payments, the entity may activate a kill switch to turn off the individual's subscribed services.

(3) As used in [sections 1 and 2], the following definitions apply:

(a) "Electronic consumer product" includes electronic devices as defined in 45-6-310 as well as motor vehicles as defined in 61-1-101.

(b)(a) "Entity" means a company that manufactures or distributes an electronic consumer product personally owned property or that provides service for ~~an electronic consumer product's~~ its functionality.

(c)(b) "Hard reset" means the restoration of an electronic consumer product personally owned property to the state ~~the electronic consumer product it~~ was in when it left the factory. Other terms commonly used are "factory reset" and "master reset".

(d)(c) "Individual" means a natural person.

(e)(d) "Kill switch" means a mechanism that may be engaged remotely, regardless of the owner's consent, and is used to:

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1 (i) shut down or perform a hard reset on ~~an electronic consumer product personally owned~~
2 ~~property~~;

3 (ii) hasten the battery drainage of ~~an electronic consumer product personally owned property~~; or

4 (iii) shorten the software lifespan of ~~an electronic consumer product personally owned property~~.

5
6 **NEW SECTION. Section 2. Enforcement -- damages.** (1) A violation of [section 1] is a violation of
7 30-14-103.

8 (2) The department of justice may bring an action to restrain any unlawful act pursuant to the
9 provisions of Title 30, chapter 14, part 1.

10 (3) An individual whose ~~electronic consumer product personally owned property~~ has a kill switch
11 activated in violation of [section 1] may bring an action pursuant to 30-14-133, except that:

12 (a) the individual needs to show only a violation of [section 1] for that individual's ~~electronic~~
13 ~~consumer product personally owned property~~ and is not required to show any other ascertainable loss of
14 money or property; and

15 (b) the individual is entitled to statutory damages of \$10,000 for each violation of [section 1] in
16 addition to any other damages or monetary award pursuant to 30-14-133.

17
18 **NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified
19 as a new part in Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [sections 1 and 2].

20
21 **NEW SECTION. Section 4. Effective date.** [This act] is effective October 1, 2025.

22 - END -