

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

- 2025

69th Legislature 2025

Drafter: Jason Mohr,

SB0364.001.005

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~~ EXCEPTIONS; 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:
(a) subscriptions, memberships, and other recurring-payment programs ~~or to leased electronic consumer products or to motor vehicles subject to collections~~. 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.

(b) a mechanism or feature that:
(i) addresses an imminent critical safety issue impacting a mechanical or software component of a motor vehicle;

(ii) activates when a drive of a motor vehicle is incapacitated, suffers a medical emergency, or experiences a loss of consciousness;

(iii) takes corrective action in a motor vehicle with an engaged partial driving automation feature if the driver is not attentive or engaged in the driving task and does not respond to warnings;

(iv) brings a motor vehicle with an engaged automated driving system to a minimal risk condition;
or

(v) automatically shuts off the engine or motor of an idling motor vehicle that has been left on for

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1 an extended period of time while in the park position.

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

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

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

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

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

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

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

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

16 (iii) shorten the software lifespan of ~~an electronic consumer product personally owned property~~.
17

18 **NEW SECTION. Section 2. Enforcement -- damages.** (1) A violation of [section 1] is a violation of
19 30-14-103.

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

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

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

27 (b) the individual is entitled to statutory damages of \$10,000 for each violation of [section 1] in

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1 addition to any other damages or monetary award pursuant to 30-14-133.

2

3 NEW SECTION. **Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified

4 as a new part in Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [sections 1 and 2].

5

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

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- END -