

携帯音声通信事業者による契約者等の本人確認等及び
携帯音声通信役務の不正な利用の防止に関する法律
**Act on Identity Confirmation, etc. Performed by
Mobile Voice Communications Carriers for their
Subscribers, etc. and Prevention of Wrongful Use of
Mobile Voice Communications Services**

(平成十七年四月十五日法律第三十一号)

(Act No. 31 of April 15, 2005)

第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、携帯音声通信事業者による携帯音声通信役務の提供を内容とする契約の締結時等における本人確認に関する措置、通話可能端末設備の譲渡等に関する措置等を定めることにより、携帯音声通信事業者による契約者の管理体制の整備の促進及び携帯音声通信役務の不正な利用の防止を図ることを目的とする。

Article 1 The purpose of this Act is to facilitate the establishment of a system for the management of subscribers by mobile voice communications carriers and to prevent the wrongful use of mobile voice communications services, by stipulating such matters as the identity confirmation measures to be taken by mobile voice communications carriers at the time of the conclusion, etc. of a contract for the provision of mobile voice communications services and the measures to be taken in connection with the transfer, etc. of telephonic call-capable terminal facilities.

(定義)

(Definitions)

第二条 この法律において「携帯音声通信」とは、携帯して使用するために開設する無線局（第四項において「無線局」という。）と、当該無線局と通信を行うために陸上に開設する移動しない無線局との間で行われる無線通信のうち音声その他の音響を送り、伝え、又は受けるものをいう。

Article 2 (1) The term "mobile voice communications" as used on this Act means radio communications in sound,(including voice) transmitted, conveyed or received between radio stations to be established for mobile use (in paragraph (4), referred to as a "radio station") and fixed radio stations to be established on land for communications with those mobile radio stations.

2 この法律において「携帯音声通信役務」とは、電気通信事業法（昭和五十九年法律第八十六号）第二条第三号に規定する電気通信役務（以下「電気通信役務」という。）のうち携帯音声通信に係るものであって、その電気通信役務の提供を受ける者の管理体制の整備を促進する必要があると認められるものとして総務省令で定めるものをいう。

(2) The term "mobile voice communications service" in this Act means a telecommunications service pertaining to mobile voice communications, among those defined in Article 2, item (iii) of the Telecommunications Business Act (Act No. 86 of 1984) (hereinafter referred to as "telecommunications service"), and which are specified by the Order of the Ministry of Internal Affairs and Communications (MIC) (hereinafter referred to as "the MIC Order") as those which are deemed necessary for promoting the establishment of management systems for those who receive the mobile voice communications services.

3 この法律において「携帯音声通信事業者」とは、電気通信事業法第二条第五号に規定する電気通信事業者のうち携帯音声通信役務を提供するものをいう。

(3) The term "mobile voice communications carrier" as used in this Act means a carrier who provides mobile voice communications services, among those telecommunications carriers stipulated in Article 2, item (v) of the Telecommunications Business Act.

4 この法律において「携帯音声通信端末設備」とは、電気通信事業法第二条第二号に規定する電気通信設備のうち携帯音声通信を行うための無線局の無線設備をいう。

(4) The term "mobile voice communications terminal facilities" as used in this Act means among those telecommunications facilities stipulated in Article 2, item (ii) of the Telecommunications Business Act, a radio station's radio facilities for conducting mobile voice communications.

5 この法律において「通話可能端末設備」とは、携帯音声通信端末設備であって携帯音声通信役務の提供に利用されている電気通信回線設備（電気通信事業法第九条に規定する電気通信回線設備をいう。）に接続され通話が可能なものをいう。

(5) The term "telephonic call-capable terminal facilities" as used in this Act means telephonic call-capable mobile voice communications terminal facilities connected to telecommunications circuit facilities (referring to the telecommunications circuit facilities stipulated in Article 9 of the Telecommunications Business Act) used for the provision of mobile voice communications services.

第二章 本人確認等

Chapter II Identity Confirmation

(契約締結時の本人確認義務等)

(Identity Confirmation Obligation In Concluding Contract)

第三条 携帯音声通信事業者は、携帯音声通信役務の提供を受けようとする者との間で、

携帯音声通信役務の提供を内容とする契約（以下「役務提供契約」という。）を締結するに際しては、運転免許証の提示を受ける方法その他の総務省令で定める方法により、当該役務提供契約を締結しようとする相手方（以下この条及び第十一条第一号において「相手方」という。）について、次の各号に掲げる相手方の区分に応じそれぞれ当該各号に定める事項（以下「本人特定事項」という。）の確認（以下「本人確認」という。）を行わなければならない。

Article 3 (1) When a mobile voice communications carrier intends to conclude a contract for the provision of a mobile voice communications service (hereinafter referred to as a "service provision contract") with a person who wishes to receive that service, the carrier must confirm, by methods stipulated in the MIC Order (including by receiving the presentation of a driver's license), the identity of the person (hereinafter referred to as "identity confirmation") wishing to become the counterparty to the service provision contract (hereinafter in this Article and Article 11, item (i) referred to as the "counterparty") with respect to the matters specified in the following items according to the classification of the counterparty (hereinafter referred to as "identification matters"):

一 自然人 氏名、住居及び生年月日

(i) natural person: the person's name, residence and date of birth; or

二 法人 名称及び本店又は主たる事務所の所在地

(ii) juridical person: its name and address of head or principal office.

2 携帯音声通信事業者は、相手方の本人確認を行う場合において、会社の代表者が当該会社のために役務提供契約を締結するときその他の当該携帯音声通信事業者との間で現に役務提供契約の締結の任に当たっている自然人が当該相手方と異なるとき（次項に規定する場合を除く。）は、当該相手方の本人確認に加え、当該役務提供契約の締結の任に当たっている自然人（第四項及び第十一条第一号において「代表者等」という。）についても、本人確認を行わなければならない。

(2) Where a mobile voice communications carrier performs the identity confirmation of the counterparty, in cases where a representative of a corporation concludes a service provision contract for that corporation, including cases where a natural person acting for that corporation who is actually authorized to conclude the service provision contract with that mobile voice communications carrier differs from that counterparty (except the case specified in the following paragraph), that mobile voice communications carrier must confirm the identification of that natural person in charge of concluding the service provision contract (in paragraph (4) and Article 11, item (i), referred to as the "representative, etc."), in addition to the identification of that counterparty.

3 相手方が国、地方公共団体、人格のない社団又は財団その他の総務省令で定めるものである場合には、当該国、地方公共団体、人格のない社団又は財団その他の総務省令で定めるもののために当該携帯音声通信事業者との間で現に役務提供契約の締結の

任に当たっている自然人を相手方とみなして、第一項の規定を適用する。

(3) In cases where the counterparty is a person specified by the MIC Order, including the national government, local public entity, association or foundation without legal personality, the provisions of paragraph (1) apply by deeming a natural person acting for that national government, local public entity, association or foundation without legal personality, who is in fact authorized to conclude the service provision contract with that mobile voice communications carrier, as the counterparty.

4 相手方（前項の規定により相手方とみなされる自然人を含む。以下この項及び第十一条第一号において同じ。）及び代表者等は、携帯音声通信事業者が本人確認を行う場合において、当該携帯音声通信事業者に対して、相手方又は代表者等の本人特定事項を偽ってはならない。

(4) In the cases where the mobile voice communications carrier performs the identity confirmation, the counterparty (including the natural person deemed as the counterparty pursuant to the provisions of the preceding paragraph; hereinafter the same applies in this paragraph and in Article 11, item (i)) and the representative, etc. must not falsify their identification matters.

（本人確認記録の作成義務等）

(Obligation to Prepare Identification Records)

第四条 携帯音声通信事業者は、本人確認を行ったときは、速やかに、総務省令で定める方法により、本人特定事項その他の本人確認に関する事項として総務省令で定める事項に関する記録（以下「本人確認記録」という。）を作成しなければならない。

Article 4 (1) When identity confirmation is performed, any mobile voice communications carrier must immediately prepare the records of matters regarding the identification stipulated in the MIC Order (hereinafter referred to as "identification records"), including identification matters, in a manner as stipulated in the MIC Order.

2 携帯音声通信事業者は、本人確認記録を、役務提供契約が終了した日から三年間保存しなければならない。

(2) The mobile voice communications carrier must retain identification records for three years from the day of the termination of the service provision contract.

（譲渡時の本人確認義務等）

(Identity Confirmation Obligation at the Time of Transfer)

第五条 携帯音声通信事業者は、通話可能端末設備の譲渡その他の携帯音声通信役務の提供を受ける者としての役務提供契約上の地位の承継に基づき、当該役務提供契約を締結している者（以下「契約者」という。）の名義を変更するに際しては、運転免許証の提示を受ける方法その他の総務省令で定める方法により、当該変更により新たに当該役務提供契約に基づく携帯音声通信役務の提供を受けようとする者（以下「譲受人等」という。）について、譲受人等の本人特定事項の確認（以下「譲渡時本人確

認」という。)を行わなければならない。

Article 5 (1) In changing the name of the subscriber who concludes a service provision contract (hereinafter referred to as a "subscriber") due to transfer of terminal facilities functional for voice communications or otherwise due to succession of status as the person receiving a mobile voice communications service under that service provision contract, the mobile voice communications carrier must confirm the identification matters regarding a new person who will receive that mobile voice communications service under that service provision contract due to the change of name (hereinafter referred to as a "transferee, etc.") (hereinafter referred to as "identity confirmation at the time of transfer"), by methods as stipulated in the MIC Order, including producing a driver's license.

2 第三条第二項から第四項まで及び前条の規定は、前項の規定により携帯音声通信事業者が譲渡時本人確認を行う場合について準用する。この場合において、第三条第二項から第四項までの規定中「相手方」とあるのは「譲受人等」と、同条第二項及び第四項中「本人確認」とあるのは「譲渡時本人確認」と、「第十一条第一号」とあるのは「第十一条第二号」と、同条第三項中「第一項」とあるのは「第五条第一項」と、前条第一項中「本人確認」とあるのは「譲渡時本人確認」と読み替えるものとする。

(2) The provisions of Article 3, paragraphs (2) through (4) and of the preceding paragraph apply mutatis mutandis to the cases of identity confirmation at the time of transfer confirmed by the mobile voice communications carrier in accordance with the provisions of the preceding paragraph. In this case, the "counterparty" in Article 3, paragraphs (2) through (4) is read as "transferee, etc."; "identity confirmation" in Article 3, paragraphs (2) through (4) is read as "identity confirmation at the time of transfer" and "Article 11, item (i)" in those paragraphs is read as "Article 11, item (ii)"; "paragraph (1)" in Article 11, paragraph (3) is read as "Article 5, paragraph (1)"; and "identity confirmation" in Article 4, paragraph (1) is read as "identity confirmation at the time of transfer".

(媒介業者等による本人確認等)

(Identity Confirmation by Intermediary Agency, etc.)

第六条 携帯音声通信事業者は、本人確認又は譲渡時本人確認を、当該携帯音声通信事業者のために役務提供契約の締結の媒介、取次ぎ又は代理を業として行う者（以下「媒介業者等」という。）に行わせることができる。

Article 6 (1) A mobile voice communications carrier may cause the persons who intermediate, commission or represent the conclusion of service provision contracts on behalf of that voice communications carrier in the course of their trade (hereinafter referred to as an "intermediary agency, etc.") to perform the identity confirmation or the identity confirmation at the time of transfer.

2 携帯音声通信事業者は、前項の規定により本人確認又は譲渡時本人確認を媒介業者

等に行わせることとした場合には、第三条第一項及び第二項の規定又は前条第一項の規定及び同条第二項において準用する第三条第二項の規定にかかわらず、当該本人確認又は当該譲渡時本人確認を行うことを要しない。

(2) When a mobile voice communications carrier commission an intermediary agency, etc. to perform the identity confirmation or the identity confirmation at the time of transfer pursuant to the provisions of the preceding paragraph, the carrier is not required to perform that identity confirmation or that identity confirmation at the time of transfer, notwithstanding the provisions of Article 3, paragraph (1) and paragraph (2), the provisions of Article 5, paragraph (1), and the provisions of Article 3, paragraph (2) as applied mutatis mutandis pursuant to the provisions of Article 5, paragraph (2).

3 第三条及び第四条第一項の規定は、第一項の規定により媒介業者等が本人確認を行う場合について準用する。この場合において、第三条中「携帯音声通信事業者」とあるのは「媒介業者等」と、第四条第一項中「本人確認を行ったとき」とあるのは「第六条第一項の規定により媒介業者等が本人確認を行ったとき」と読み替えるものとする。

(3) The provisions of Article 3 and Article 4, paragraph (1) apply mutatis mutandis to the case of identification confirmed by an intermediary agency, etc. in accordance with the provisions of paragraph (1) of this Article. In this case, the term "mobile voice communications carrier" in Article 3 is read as "intermediary agency, etc."; and "when identity confirmation is performed" in Article 4, paragraph (1) is read as "when identity confirmation is performed by an intermediary agency, etc. in accordance with the provisions of Article 6, paragraph (1)".

4 第三条第二項から第四項まで、第四条及び前条第一項の規定は、第一項の規定により媒介業者等が譲渡時本人確認を行う場合について準用する。この場合において、第三条第二項から第四項までの規定中「携帯音声通信事業者」とあるのは「媒介業者等」と、「相手方」とあるのは「譲受人等」と、同条第二項及び第四項中「本人確認」とあるのは「譲渡時本人確認」と、「第十一条第一号」とあるのは「第十一条第二号」と、同条第三項中「第一項」とあるのは「第五条第一項」と、第四条第一項中「本人確認を行ったとき」とあるのは「第六条第一項の規定により媒介業者等が譲渡時本人確認を行ったとき」と、「本人確認に関する事項」とあるのは「譲渡時本人確認に関する事項」と、前条第一項中「携帯音声通信事業者」とあるのは「媒介業者等」と読み替えるものとする。

(4) The provisions of Article 3, paragraphs (2) through (4), Article 4 and paragraph (1) of the preceding Article apply mutatis mutandis in the case of identification at the time of transfer confirmed by an intermediary agency, etc. pursuant to the provisions of paragraph (1) of this Article. In this case, "mobile voice communications carrier" appearing in Article 3, paragraphs (2) through (4) is read as "intermediary agency, etc." and the "counterparty" in Article 3, paragraphs (2) through (4) is read as "transferee, etc."; "identity confirmation"

in Article 3, paragraphs (2) and (4) is read as "identity confirmation at the time of transfer" and "Article 11, item (i)" in Article 3, paragraphs (2) and (4) is read as "Article 11, item (ii)"; "paragraph (1)" in Article 3, paragraph (3) is read as "Article 5, paragraph (1)"; "when identity confirmation is performed" in Article 4, paragraph (1) is read as "when identity confirmation at the time of transfer is performed by an intermediary agency, etc. in accordance with the provisions of Article 6, paragraph (1)"; "matters regarding the identification" in Article 4, paragraph (1) is read as "matters regarding the identification at the time of transfer"; and "mobile voice communications carrier" in paragraph (1) of the preceding Article is read as "intermediary agency, etc.".

(譲渡時の携帯音声通信事業者の承諾)

(Consent of Mobile Voice Communications Carrier at the Time of Transfer)

第七条 契約者は、自己が契約者となっている役務提供契約に係る通話可能端末設備を他人に譲渡しようとする場合には、親族又は生計を同じくしている者に対し譲渡する場合を除き、あらかじめ携帯音声通信事業者の承諾を得なければならない。

Article 7 (1) When any subscriber intends to transfer to another person the telephonic call-capable terminal facilities pertaining to the service provision contract to which it is a subscriber, that subscriber must obtain the prior consent of the mobile voice communications carrier, except in cases where it transfers those facilities to a family member, relative or dependent.

2 携帯音声通信事業者は、譲受人等につき譲渡時本人確認を行った後又は前条第一項の規定により媒介業者等が譲渡時本人確認を行った後でなければ、前項に規定する承諾をしてはならない。

(2) A mobile voice communications carrier must not give the consent prescribed in the preceding paragraph, until that carrier completes identity confirmation at the time of transfer regarding the transferee, etc. or until an intermediary agency, etc. completes identity confirmation at the time of transfer pursuant to the provisions of paragraph (1) of the preceding Article.

(契約者確認の求め)

(Request for Subscriber Identification)

第八条 警察署長は、携帯音声通信役務の不正な利用の防止を図るため、次の各号のいずれかに該当する場合において必要があると認めるときは、当該各号に定める罪に当たる行為に係る通話可能端末設備につき役務提供契約を締結した携帯音声通信事業者に対し、国家公安委員会規則で定める方法により、当該役務提供契約に係る契約者について次条第一項に規定する事項の確認をすることを求めることができる。

Article 8 (1) When the police commander deems necessary, in either case falling under the following items, in order to facilitate prevention of wrongful use of mobile voice communications services, the police commander may request the mobile voice communications carrier, who has concluded a service provision

contract for telephonic call-capable terminal facilities pertaining to the crimes falling under the following items, to confirm the matters stipulated in paragraph (1) of the following Article pertaining to the subscriber of that service provision contract, in a manner stipulated in the Rules of the National Public Safety Commission:

一 この法律に規定する罪（第十九条から第二十二條まで及び第二十六條（第十九条から第二十二條までの罪に係る部分に限る。）の罪に限る。）に当たる行為が行われたと認めるに足りる相当の理由がある場合

(i) in cases where there is sufficient reason to find that a crime stipulated in this Act (limited to crimes under Articles 19, through 22 and Article 26 [limited to part pertaining to crimes under Articles 19 through 22]) has been committed; or

二 携帯音声通信役務が刑法（明治四十年法律第四十五号）第二百四十六條の罪又は第二百四十九條の罪に当たる行為その他携帯音声通信役務が多く利用され、かつ、その行為による被害又は公共の危険を防止する必要性が高いものとして政令で定める罪に当たる行為に利用されていると認めるに足りる相当の理由がある場合

(ii) in cases where there is sufficient reason to find that a mobile voice communications service is used in acts falling under a crime under Article 246 or Article 249 of the Penal Code (Act No. 45 of 1907) or any other act in which mobile voice communications services are frequently used and which falls under a crime specified in the Cabinet Order as that from which it is particularly necessary to prevent damages or danger to the public from arising.

2 国家公安委員会は、前項に規定する国家公安委員会規則を定めようとするときは、あらかじめ、総務大臣に協議しなければならない。

(2) The National Public Safety Commission must consult with the Minister for Internal Affairs and Communications (hereinafter referred to as "the Minister") in advance, when it intends to set forth the Rules of the National Public Safety Commission as prescribed in the preceding paragraph.

（契約者確認）

(Subscriber Confirmation)

第九条 前条第一項の規定により確認の求めを受けた携帯音声通信事業者は、当該契約者について、総務省令で定める方法により、本人特定事項その他契約者が携帯音声通信役務の提供を受ける者としての役務提供契約上の地位を有していることを確認するために必要な事項として総務省令で定めるものの確認（以下「契約者確認」という。）を行うことができる。

Article 9 (1) The mobile voice communications carrier who is requested to perform the confirmation pursuant to the provisions of paragraph (1) of the preceding Article may confirm, with respect to the subscriber concerned, the identification matters and other matters specified in the MIC Order as

necessary matters for confirmation that the subscriber holds the status under the service provision contract as a subscriber to the mobile voice communications service (hereinafter referred to as "subscriber confirmation"), in a manner as specified in the MIC Order.

2 総務大臣は、前項に規定する総務省令を定めようとするときは、あらかじめ、国家公安委員会に協議しなければならない。

(2) The Minister must consult with the National Public Safety Commission in advance, when the Minister intends to set forth the MIC Order as prescribed in the preceding paragraph.

3 第三条第二項から第四項までの規定は、第一項の規定により携帯音声通信事業者が契約者確認を行う場合について準用する。この場合において、同条第二項から第四項までの規定中「相手方」とあるのは「契約者」と、同条第二項及び第四項中「本人確認」とあるのは「契約者確認」と、「第十一条第一号」とあるのは「第十一条第四号」と、同条第三項中「第一項」とあるのは「第九条第一項」と読み替えるものとする。

(3) The provisions of Article 3, paragraphs (2) through (4) apply mutatis mutandis to the case of confirmation of the subscriber performed by the mobile voice communications carrier pursuant to the provisions of paragraph (1). In this case, the term "the counterparty" in paragraphs (2) through (4) of the same Article is read as the "subscriber"; "identity confirmation" in paragraphs (2) and (4) of the same Article is read as "subscriber confirmation"; "Article 11, item (i)" in the same paragraphs is read as "Article 11 item (iv)"; and "paragraph (1)" in paragraph (3) of the same Article is read as "Article 9, paragraph (1)".

(匿名貸与営業の禁止)

(Prohibition of Lending Business to Unidentified Persons)

第十条 何人も、次の各号に掲げる者に対し、当該各号に定める事項を確認しないで、業として有償で通話可能端末設備を貸与してはならない。

Article 10 It is prohibited for any person to lend telephonic call-capable terminal facilities for value in the course of trade to a person falling under one of the following items, without confirming the matters specified in the relevant item:

一 自然人 氏名及び居所又は電話番号（当該貸与に係る通話可能端末設備の電話番号以外のものに限る。）その他の連絡先

(i) natural person: the person's name and residence or telephone number (limited to a telephone number other than that of the telephone call-capable terminal facilities pertaining to lending), or other points of contact; or

二 法人 名称及び本店又は主たる事務所の所在地

(ii) juridical person: its name and address of head or principal office of business.

(携帯音声通信役務等の提供の拒否)

(Refusal to Provide Mobile Voice Communications Services)

第十一条 携帯音声通信事業者は、次に掲げる場合には、携帯音声通信役務の提供その他役務提供契約に係る通話可能端末設備により提供される当該携帯音声通信役務以外の電気通信役務の提供を拒むことができる。

Article 11 In the cases listed under the following items, mobile voice communications carriers may refuse to provide mobile voice communications services and telecommunications services that do not constitute the mobile voice communications services in question and that are provided through telephonic call-capable terminal facilities pertaining to a service provision contract:

一 相手方又は代表者等が本人確認に応じない場合（当該相手方又は代表者等がこれに応じるまでの間に限る。）

(i) where the counterparty or the representative, etc. refuses to undergo the identity confirmation (limited to the period until that counterparty or representative, etc. undergoes the identity confirmation);

二 譲受人等又は代表者等が譲渡時本人確認に応じない場合（当該譲受人等又は代表者等がこれに応じるまでの間に限る。）

(ii) where the transferee, etc. or the representative, etc. refuses to undergo the identity confirmation at the time of transfer (limited to the period until that transferee, etc. or representative, etc. undergoes the identity confirmation at the time of transfer);

三 第七条第一項の規定に違反して通話可能端末設備が譲渡された場合

(iii) where the telephonic call-capable terminal facilities are transferred in violation of the provisions of Article 7, paragraph (1);

四 契約者又は代表者等が第九条第一項の規定による本人特定事項の確認に応じない場合（当該契約者又は代表者等がこれに応じるまでの間に限る。）

(iv) where the subscriber or the representative, etc. refuses to undergo the confirmation under the provisions of Article 9, paragraph (1) of the identification matters (limited to the period until that subscriber or representative, etc. undergoes that confirmation); or

五 前条の規定に違反して通話可能端末設備が貸与された場合

(v) where the telephonic call-capable terminal facilities are lent in violation of the provisions of the preceding Article.

(媒介業者等の監督)

(Supervision of Intermediary Agency)

第十二条 携帯音声通信事業者は、第六条第一項の規定により本人確認又は譲渡時本人確認を媒介業者等に行わせることとした場合には、当該本人確認又は当該譲渡時本人確認が確実にされるよう、総務省令で定めるところにより、当該媒介業者等に対し必要かつ適切な監督を行わなければならない。

Article 12 When a mobile voice communications carrier determines to have an

intermediary agency, etc. perform the identity confirmation or the identity confirmation at the time of transfer pursuant to the provisions of Article 6, paragraph (1), that carrier must perform necessary and appropriate supervision of that intermediary agency, etc. in a manner specified in the MIC Order, to ensure the identity confirmation or the identity confirmation at the time of transfer.

第三章 監督 Chapter III Supervision

(報告)

(Reporting)

第十三条 総務大臣は、この法律の施行に必要な限度において、携帯音声通信事業者（媒介業者等を含む。次条において同じ。）に対しその業務に関して報告又は資料の提出を求めることができる。

Article 13 The Minister may, to the extent necessary for the enforcement of this Act, request any mobile voice communications carrier (including intermediary agency, etc.; the same applies in the following Article) to submit reports or materials on its business.

(立入検査)

(On-site Inspection)

第十四条 総務大臣は、この法律の施行に必要な限度において、当該職員に携帯音声通信事業者の営業所その他の施設に立ち入らせ、本人確認記録その他の物件を検査させ、又はその業務に関し関係人に質問させることができる。

Article 14 (1) The Minister may, to the extent necessary for the enforcement of this Act, have ministerial officials enter into a business office or other premises of a mobile voice communications carrier, inspect identification records or other properties, or ask relevant persons some questions concerning its operations.

2 前項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があったときは、これを提示しなければならない。

(2) In the case of the preceding paragraph, those officials must carry an identification card and produce it to the persons concerned upon request from them.

3 第一項の規定による権限は、犯罪捜査のために認められたものと解してはならない。

(3) The authority conferred under the provisions of paragraph (1) of this Article must not be construed as being invested in the ministerial officials for the criminal investigation purpose.

(是正命令)

(Rectification Order)

第十五条 総務大臣は、携帯音声通信事業者が、その業務に関して第三条第一項、同条第二項若しくは第三項（第五条第二項においてこれらの規定を準用する場合を含む。）、第四条第一項（第五条第二項並びに第六条第三項及び第四項において準用する場合を含む。）若しくは第二項（第五条第二項及び第六条第四項において準用する場合を含む。）、第五条第一項、第七条第二項又は第十二条の規定に違反していると認めるときは、当該携帯音声通信事業者に対し、当該違反を是正するために必要な措置をとるべきことを命ずることができる。

Article 15 (1) When the Minister finds that any mobile voice communications carrier is, in respect of its operations, in violation of the provisions of Article 3, paragraph (1), Article 3, paragraph (2) or (3) (including as applied mutatis mutandis to Article 5, paragraph (2)), Article 4, paragraph (1) (including as applied mutatis mutandis to Article 5, paragraph (2) and Article 6, paragraphs (3) and (4)) or Article 4, paragraph (2) (including as applied mutatis mutandis to Article 5, paragraph (2) and Article 6, paragraph (4)), Article 5, paragraph (1), Article 7, paragraph (2) or Article 12, the Minister may order that mobile voice communications carrier to take necessary measures for rectifying that violation.

2 総務大臣は、媒介業者等が、その業務に関して第六条第三項において準用する第三条第一項から第三項までの規定又は第六条第四項において準用する第三条第二項若しくは第三項若しくは第五条第一項の規定に違反していると認めるときは、当該媒介業者等に対し、当該違反を是正するために必要な措置をとるべきことを命ずることができる。

(2) When the Minister finds that any intermediary agency, etc. is, in respect of its operations, in violation of the provisions of Article 3, paragraphs (1) through (3) as applied mutatis mutandis in Article 6, paragraph (3), or in violation of Article 3, paragraph (2) or (3), or Article 5, paragraph (1) as applied mutatis mutandis pursuant to the provisions of Article 6, paragraph (4), the Minister may order that intermediary agency, etc. to take necessary measures for rectifying that violation.

第四章 雑則

Chapter IV Miscellaneous Provisions

(総務大臣と国家公安委員会との協力)

(Cooperation between the Minister and the National Public Safety Commission)

第十六条 総務大臣及び国家公安委員会は、携帯音声通信役務の不正な利用の防止に関し、相互に協力するものとする。

Article 16 The Minister and the National Public Safety Commission are to cooperate with each other for prevention of wrongful use of mobile voice

communications services.

(命令への委任)

(Entrustment to Order)

第十七条 この法律に定めるもののほか、この法律を実施するため必要な事項は、総務省令又は国家公安委員会規則で定める。

Article 17 In addition to the provisions specified in this Act, other matters necessary for the enforcement of this Act shall be specified in the MIC Order or the Rules of the National Public Safety Commission.

(経過措置)

(Transitional Measures)

第十八条 この法律の規定に基づき命令を制定し、又は改廃する場合においては、その命令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

Article 18 In the cases where enacting, amending or repealing orders pursuant to the provisions of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be set forth by those orders, to the extent deemed reasonably necessary in line with that enactment, amendment or repeal of those orders.

第五章 罰則

Chapter V Penal Provisions

第十九条 本人特定事項を隠ぺいする目的で、第三条第四項（第五条第二項、第六条第三項及び第四項並びに第九条第三項において準用する場合を含む。）の規定に違反した者は、五十万円以下の罰金に処する。

Article 19 Any person who has violated the provisions of Article 3, paragraph (4) (including as applied mutatis mutandis in Article 5, paragraph (2), Article 6, paragraphs (3) and (4) and Article 9, paragraph (3)) in order to conceal the identification matters is punished by a fine not exceeding 500,000 yen.

第二十条 第七条第一項の規定に違反して、業として有償で通話可能端末設備を譲渡した者は、二年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 20 (1) Any person who has transferred telephonic call-capable terminal facilities for value in the course of trade, in violation of the provisions of Article 7, paragraph (1), is punished by imprisonment with work not exceeding two years or a fine not exceeding 3,000,000 yen, or both.

2 相手方が第七条第一項の規定に違反していることの情を知って、業として有償で当該違反に係る通話可能端末設備を譲り受けた者も、前項と同様とする。

(2) Any person who has accepted transfer of those telephonic call-capable

terminal facilities for value on the course of trade, knowing the counterparty is in violation of the provisions of Article 7, paragraph (1), is punished by the same punishment of the preceding paragraph.

第二十一条 自己が契約者となっていない役務提供契約に係る通話可能端末設備を他人に譲渡した者は、五十万円以下の罰金に処する。

Article 21 (1) Any person who has transferred telephonic call-capable terminal facilities pertaining to a service provision contract to which that person is not the subscriber is punished by a fine not exceeding 500,000 yen.

2 相手方が通話可能端末設備に係る役務提供契約の契約者となっていないことの情を知って、その者から当該通話可能端末設備を譲り受けた者も、前項と同様とする。

(2) Any person who has accepted transfer of telephonic call-capable terminal facilities from the counterparty, knowing that the counterparty is not the subscriber to that service provision contract pertaining to those telephonic call-capable terminal facilities, is also punished by the same punishment of the preceding paragraph.

3 業として第一項又は前項の罪に当たる行為をした者は、二年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

(3) Any person who has committed an act falling under the crime under paragraph (1) or the preceding paragraph in the course of trade, is punished by imprisonment with work not exceeding two years or a fine not exceeding 3,000,000 yen, or both.

第二十二条 第十条の規定に違反した者は、二年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 22 (1) Any person who has violated the provisions of Article 10 is punished by imprisonment with work not exceeding two years or a fine not exceeding 3,000,000 yen, or both.

2 相手方が第十条の規定に違反していることの情を知って、当該違反に係る通話可能端末設備の貸与を受けた者は、五十万円以下の罰金に処する。

(2) Any person who has been leased the telephonic call-capable terminal facilities pertaining to violation of the provisions of Article 10, knowing that the counterparty is in violation of the provisions of that Article is punished by a fine not exceeding 500,000 yen.

第二十三条 第二十条、第二十一条第一項若しくは第二項又は前条第一項の罪に当たる行為の相手方となるよう、人を勧誘し、又は広告その他これに類似する方法により人を誘引した者は、五十万円以下の罰金に処する。

Article 23 Any person who has solicited other persons to become the counterparty in the acts falling under crimes in Article 20, Article 21, paragraph (1) or (2), or in paragraph (1) of the preceding Article, or has

induced them to do so by advertisement or other similar means, is punished by a fine not exceeding 500,000 yen.

第二十四条 第十五条の規定による命令に違反した者は、二年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 24 Any person who has violated the order under Article 15 is punished by imprisonment with work not exceeding two years or a fine not exceeding 3,000,000 yen, or both.

第二十五条 次の各号のいずれかに該当する者は、一年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 25 Any person who falls under any of the following items is punished by imprisonment with work not exceeding one year or a fine not exceeding 3,000,000 yen, or both:

一 第十三条の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をした者

(i) any person who has failed to submit the reports or materials under the provisions of Article 13 or who has submitted false reports or materials; or

二 第十四条第一項の規定による当該職員の質問に対して答弁をせず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避した者

(ii) any person who has failed to answer questions under the provisions of Article 14, paragraph (1) from the relevant ministerial officials or has given false answers to those questions, or who has refused, hindered or evaded the inspection under the provisions of the same paragraph.

第二十六条 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して第十九条から前条までの違反行為をしたときは、その行為者を罰するほか、その法人又は人に対して各本条の罰金刑を科する。

Article 26 Where the representative of a juridical person, or an agency, staff or other employee of a juridical person or a person has committed an act violating any of the provisions in Articles 19 through 25 with regard to the business operations of that juridical person or individual, not only the offender is punished but also that juridical person or individual is punished by the fine prescribed in the respective Articles.

附 則

Supplementary Provisions

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定め

る日から施行する。ただし、次の各号に掲げる規定は、それぞれ当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the day specified in the Cabinet Order within a period not exceeding one year from the day of promulgation; provided, however, that the provisions listed in the following items come into effect as of the day specified in the respective item:

一 第八条第二項及び第九条第二項の規定 公布の日

(i) the provisions of Article 8, paragraph (2) and Article 9, paragraph (2): as of the date of promulgation;

二 第八条第一項、第九条第一項及び第三項、第十条、第十一条（第四号及び第五号に係る部分に限る。）、第十六条、第二十二條、第二十三條（第二十二條第一項に係る部分に限る。以下この号において同じ。）並びに第二十六條（第二十二條及び第二十三條に係る部分に限る。）の規定 公布の日から起算して二十日を経過した日

(ii) the provisions of Article 8, paragraph (1), Article 9, paragraphs (1) and (3), Article 10, Article 11 (limited to parts pertaining to items (iv) and (v)), Article 16, Article 22, Article 23 (limited to parts pertaining to Article 22, paragraph (1); the same applies hereinafter in this item) and Article 26 (limited to parts pertaining to Articles 22 and 23): as of the date on which twenty days from the date of promulgation have elapsed.

(経過措置)

(Transitional Measures)

第二条 携帯音声通信事業者は、この法律の施行の際現に役務提供契約に基づき携帯音声通信役務の提供を受けている者（以下「施行時利用者」という。）について、総務省令で定める日までの間に、運転免許証の提示を受ける方法その他の総務省令で定める方法により、施行時利用者の本人特定事項の確認（以下「施行時利用者本人確認」という。）を行わなければならない。ただし、次の各号のいずれかに掲げる場合は、この限りでない。

Article 2 (1) With respect to a person who, at the time of the enforcement of this Act, is actually using a mobile voice communications service based on a service provision contract (hereinafter referred to as a "user at the time of the effective date"), the mobile voice communications carrier concerned must confirm the identification matters of the user as of the effective date (hereinafter referred to as the "identity confirmation of the user at the time of the effective date"), by the date stipulated in the MIC Order, by methods as stipulated in the MIC Order, including producing a driver's license; provided, however, that this does not apply to the cases listed in the following items:

一 携帯音声通信事業者によりこの法律の施行の日前に第三条第一項の規定に準じ施行時利用者を特定するに足りる事項の確認が行われ、かつ、当該確認に関する記録が作成されてこれが保存されている場合

(i) in the cases where the mobile voice communications carrier has performed, prior to the date on which this Act comes into effect, the confirmation of the matters pursuant to the provisions of Article 3, paragraph (1) which are sufficient to identify the user at the time of the effective date, and where the records concerning that confirmation are prepared and maintained;

二 施行時利用者本人確認が行われるまでの間に譲渡時本人確認が行われる場合

(ii) in the cases where the identity confirmation at the time of transfer is performed prior to the identity confirmation of the user at the time of the effective date; or

三 施行時利用者本人確認が行われるまでの間に役務提供契約が終了した場合

(iii) in the cases where the service provision contract concerned is terminated prior to the identity confirmation of the user at the time of the effective date.

2 第三条第二項から第四項まで及び第四条の規定は、前項の規定により携帯音声通信事業者が施行時利用者本人確認を行う場合について準用する。この場合において、第三条第二項から第四項までの規定中「相手方」とあるのは「施行時利用者」と、同条第二項及び第四項中「本人確認」とあるのは「施行時利用者本人確認」と、「第十一条第一号」とあるのは「附則第四条」と、同条第三項中「第一項」とあるのは「附則第二条第一項」と、第四条第一項中「本人確認」とあるのは「施行時利用者本人確認」と読み替えるものとする。

(2) The provisions of Article 3, paragraphs (2) through (4) and Article 4 apply *mutatis mutandis* to the case where the mobile voice communications carrier confirms the identification of the user at the time of the effective date pursuant to the provisions of the preceding paragraph. In this case, the "counterparty" in Article 3, paragraphs (2) through (4) is read as the "user at the time of the effective date"; "identification" in Article 3, paragraphs (2) and (4) is read as "identification of the user at the time of the effective date" and "Article 11, item (i)" in the same paragraphs is read as "Article 4 of the Supplementary Provisions"; "paragraph (1)" in Article 3, paragraph (3) is read as "Article 2, paragraph (1) of the Supplementary Provisions"; and "identification" in Article 4, paragraph (1) is read as "identification of the user at the time of the effective date".

3 第一項第一号に規定する確認に関する記録は、本人確認記録とみなして、第四条第二項の規定を適用する。

(3) The records of the confirmation stipulated in paragraph (1), item (i) are deemed to be the identification records, and the provisions of Article 4, paragraph (2) apply to them.

第三条 携帯音声通信事業者は、施行時利用者本人確認を媒介業者等に行わせることができる。

Article 3 (1) The mobile voice communications carrier may have an intermediary agency, etc. confirm the identification of the user at the time of the effective

date.

2 携帯音声通信事業者は、前項の規定により媒介業者等に施行時利用者本人確認を行わせることとした場合には、前条第一項の規定及び同条第二項において準用する第三条第二項の規定にかかわらず、当該施行時利用者本人確認を行うことを要しない。

(2) In the cases where the mobile voice communications carrier has decided, pursuant to the provisions of the preceding paragraph, to have an intermediary agency, etc. confirm the identification of the user at the time of the effective date, that mobile voice communications carrier is not required to confirm that identification of the user at the time of the effective date, notwithstanding the provisions of Article 3, paragraph (2) as applied mutatis mutandis pursuant to the provisions of Article 2, paragraphs (1) and (2).

3 第三条第二項から第四項まで、第四条、第十二条及び前条第一項の規定は、第一項の規定により媒介業者等が施行時利用者本人確認を行う場合について準用する。この場合において、第三条第二項から第四項までの規定中「携帯音声通信事業者」とあるのは「媒介業者等」と、「相手方」とあるのは「施行時利用者」と、同条第二項及び第四項中「本人確認」とあるのは「施行時利用者本人確認」と、「第十一条第一号」とあるのは「附則第四条」と、同条第三項中「第一項」とあるのは「附則第二条第一項」と、第四条第一項中「本人確認を行ったとき」とあるのは「附則第三条第一項の規定により媒介業者等が施行時利用者本人確認を行ったとき」と、「本人確認に関する事項」とあるのは「施行時利用者本人確認に関する事項」と、第十二条中「第六条第一項」とあるのは「附則第三条第一項」と、「本人確認又は譲渡時本人確認」とあるのは「施行時利用者本人確認」と、「当該本人確認又は当該譲渡時本人確認」とあるのは「当該施行時利用者本人確認」と、前条第一項中「携帯音声通信事業者は」とあるのは「媒介業者等は」と読み替えるものとする。

(3) The provisions of Article 3, paragraphs (2) through (4), Article 4, Article 12 and Article 2 paragraph (1) apply mutatis mutandis to the case of the identification of the user at the time of the effective date confirmed by an intermediary agency, etc. pursuant to the provisions of paragraph (1) of this Article. In this case, "mobile voice communications carrier" in Article 3, paragraphs (2) through (4) is read as "intermediary agency, etc." and the "counterparty" in the same paragraphs is read as the "user at the time of the effective date"; "identification" in Article 3, paragraphs (2) and (4) is read as "identification of the user at the time of the effective date" and "Article 11, item (i)" in the same paragraphs is read as "Article 4 of the Supplementary Provisions"; "paragraph (1)" in Article 3, paragraph (3) is read as "Article 2, paragraph (1) of the Supplementary Provisions"; "When the identification is confirmed" in Article 4, paragraph (1) is read as "When the identification of the user at the time of the effective date is confirmed by an intermediary agency, etc. pursuant to the provisions of Article 3, paragraph (1) of the Supplementary Provisions" and "matters regarding the identification" in the same paragraph is read as "matters regarding the identification of the user at the time of the

effective date"; "Article 6, paragraph (1)" in Article 12 is read as "Article 3, paragraph (1) of the Supplementary Provisions" and the "identification or the identification at the time of transfer" in the same Article is read as the "identification of the user at the time of the effective date" and "such identity confirmation or identity confirmation at the time of transfer" in the same Article is read as "said identity confirmation of the user at the time of the effective date"; and the "mobile voice communications carrier" in paragraph (1) of the preceding Article of the Supplementary Provisions is read as "an intermediary agency, etc."

第四条 携帯音声通信事業者は、施行時利用者であつて附則第二条第一項本文（前条第三項において準用する場合を含む。）の規定の適用を受けるもの又は代表者等が施行時利用者本人確認に応じない場合には、当該施行時利用者又は代表者等がこれに応じるまでの間、当該携帯音声通信役務の提供その他役務提供契約に係る通話可能端末設備により提供される当該携帯音声通信役務以外の電気通信役務の提供を拒むことができる。

Article 4 In the cases where a person who is the user at the time of the effective date and to whom the provisions of the main clause of Article 2, paragraph (1) of the Supplementary Provisions (including as applied mutatis mutandis pursuant to the provisions of paragraph (3) of the preceding Article) apply, or the representative, etc., fails to undergo the identity confirmation of the user at the time of the effective date, the mobile voice communications carrier concerned may refuse to provide the mobile voice communications services and other telecommunications services than those mobile voice communications services which are to be made available via the telephonic call-capable terminal facilities covered pertaining to a service provision contract, during the period until that user at the time of the effective date or the representative, etc. undergoes the identity confirmation at the time of transfer.

第五条 総務大臣は、携帯音声通信事業者が、施行時利用者本人確認の業務に関して附則第二条第一項の規定、同条第二項において準用する第三条第二項若しくは第三項若しくは第四条の規定又は附則第三条第三項において準用する第四条若しくは第十二条の規定に違反していると認めるときは、当該携帯音声通信事業者に対し、当該違反を是正するために必要な措置をとるべきことを命ずることができる。

Article 5 (1) When the Minister finds that any mobile voice communications carrier is, with regard to the business of the identity confirmation of the user at the time of the effective date, in violation of the provisions of Article 2, paragraph (1) of the Supplementary Provisions, Article 3, paragraph (2) or (3) or Article 4 as applied mutatis mutandis pursuant to the provisions of Article 2, paragraph (2) of the Supplementary Provisions, or the provisions of Article 4 or Article 12 as applied mutatis mutandis pursuant to the provisions of Article 3,

paragraph (3) of the Supplementary Provisions, the Minister may order that mobile voice communications carrier to take necessary measures for rectifying that violation.

2 総務大臣は、媒介業者等が、施行時利用者本人確認の業務に関して附則第三条第三項において準用する第三条第二項若しくは第三項又は附則第二条第一項の規定に違反していると認めるときは、当該媒介業者等に対し、当該違反を是正するために必要な措置をとるべきことを命ずることができる。

(2) When the Minister finds that any intermediary agency, etc. is, with regard to the business of the identity confirmation of the identification of the user at the time of the effective date, in violation of the provisions of Article 3, paragraphs (2) or (3) as applied mutatis mutandis pursuant to the provisions of Article 3, paragraph (3) of the Supplementary Provisions, or the provisions of Article 2, paragraph (1) of the Supplementary Provisions, the Minister may order that intermediary agency, etc. to take necessary measures for rectifying that violation.

第六条 前条の規定による命令に違反した者は、二年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 6 (1) Any person who has violated the order under the preceding Article is punished by imprisonment with work not exceeding two years or a fine not exceeding 3,000,000 yen, or both.

2 本人特定事項を隠ぺいする目的で、附則第二条第二項において準用する第三条第四項の規定又は附則第三条第三項において準用する第三条第四項の規定に違反した者は、五十万円以下の罰金に処する。

(2) Any person who has violated the provisions of Article 3, paragraph (4) as applied mutatis mutandis pursuant to the provisions of Article 2, paragraph (2) of the Supplementary Provisions or the provisions of Article 4, paragraph (4) as applied mutatis mutandis pursuant to the provisions of Article 3, paragraph (3) of the Supplementary Provisions, for the purpose of concealing its identification matters, is punished by a fine not exceeding 500,000 yen.

3 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して第一項又は前項の違反行為をしたときは、その行為者を罰するほか、その法人又は人に対して当該各項の罰金刑を科する。

(3) Where the representative of a juridical person, or an agency, staff or other employee of a juridical person or a person has committed an act violating any of the provisions of paragraph (1) or the preceding paragraph with regard to the business operations of that juridical person or individual, not only the offender is punished but also that juridical person or individual is punished by the fine prescribed in the respective item.

(その他の経過措置の政令への委任)

(Entrustment of Other Transitional Measures to Applicable Cabinet Order)

第七条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。

Article 7 In addition to the transitional measures stipulated in these Supplementary Provisions, other transitional measures as required for the enforcement of this Act (including transitional measures concerning penal provisions) are specified in the Cabinet Order.

(検討)

(Review)

第八条 この法律の規定については、この法律の施行後一年を目途として、この法律の施行状況等を勘案し、検討が加えられ、その結果に基づいて必要な措置が講ぜられるものとする。

Article 8 After one year or so has elapsed from the enforcement of this Act, the provisions of this Act are to be reviewed upon taking into consideration the implementation status, etc. of the enforcement of this Act; and further, necessary measures are to be taken based upon the results of the review.