

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/9/17

A Bill

HOUSE BILL 1534

5 By: Representative J. Williams
6

For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR THE TRANSFER OF WIRELESS
9 DEVICES IN DOMESTIC ABUSE PROCEEDINGS; AND FOR OTHER
10 PURPOSES.
11

Subtitle

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14 TO PROVIDE FOR THE TRANSFER OF WIRELESS
15 DEVICES IN DOMESTIC ABUSE PROCEEDINGS.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 9-15-103, concerning definitions used
21 throughout the Domestic Abuse Act of 1991, is amended to add additional
22 subdivisions to read as follows:

23 (6) "Commercial mobile radio service" means commercial mobile
24 service as defined in 47 U.S.C. § 332; and

25 (7) "Wireless telephone service provider" means a commercial
26 mobile radio service provider or reseller.
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28 SECTION 2. Arkansas Code Title 9, Chapter 15, Subchapter 2, is amended
29 to add an additional section to read as follows:

30 9-15-218. Commercial mobile radio service accounts – Transfer order.

31 (a) Commencing July 1, 2017, at an initial or subsequent hearing on a
32 petition filed under this subchapter, to ensure that the petitioner may
33 maintain his or her existing wireless telephone number and the wireless
34 numbers of minor children in the petitioner's care, the court may issue an
35 order directing a wireless telephone service provider to transfer the billing
36 responsibility for and rights to the wireless telephone number or numbers to



1 the petitioner if the petitioner:

2 (1) Is not the account holder; and

3 (2) Proves by a preponderance of the evidence that the
4 petitioner and any minor children in the petitioner's care are the primary
5 users of the wireless telephone numbers that will be ordered transferred by a
6 court under this subsection.

7 (b)(1) An order transferring the billing responsibility for and rights
8 to the wireless telephone number or numbers to a petitioner under subsection
9 (a) of this section shall be a separate order that is directed to the
10 wireless telephone service provider.

11 (2) The order shall list:

12 (A) The name and billing telephone number of the account
13 holder;

14 (B) The name and contact information of the petitioner to
15 whom the telephone number or numbers will be transferred; and

16 (C) Each telephone number to be transferred to the
17 petitioner.

18 (3) The court shall ensure that the petitioner's contact
19 information is not provided to the account holder in proceedings held under
20 this subchapter.

21 (4) The order shall be served on the wireless telephone service
22 provider's agent for service of process listed with the Secretary of State.

23 (5) The wireless service provider shall notify the requesting
24 party if the wireless telephone service provider cannot operationally or
25 technically effectuate the order due to certain circumstances, including
26 when:

27 (A) The account holder has already terminated the account;

28 (B) Differences in network technology prevent the
29 functionality of a device on the network; or

30 (C) There are geographic or other limitations on network
31 or service availability.

32 (c)(1) Upon a wireless telephone service provider's transfer of
33 billing responsibility for and rights to a wireless telephone number or
34 numbers to a petitioner under subsection (b) of this section, the petitioner
35 shall assume:

36 (A) Financial responsibility for the transferred wireless

1 telephone number or numbers;

2 (B) Monthly service costs; and

3 (C) Costs for any mobile device associated with the
4 wireless telephone number or numbers.

5 (2) A transfer ordered under subdivision (c)(1) of this section
6 does not preclude a wireless telephone service provider from applying any
7 routine and customary requirements for account establishment to the
8 petitioner as part of the transfer of billing responsibility for a wireless
9 telephone number or numbers and any devices attached to that number or
10 numbers, including without limitation identification, financial information,
11 and customer preferences.

12 (d) This section does not affect the ability of the court to apportion
13 the assets and debts of the parties, or the ability to determine the
14 temporary use, possession, and control of personal property under § 9-12-301
15 et seq.

16 (e) Notwithstanding any other provision of the law, a wireless
17 telephone service provider, or an officer, employee, assign, or agent of the
18 wireless telephone service provider is not civilly liable for action taken in
19 compliance with an order issued under this subchapter or for a failure to
20 process an order issued under this subchapter.

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22 */s/J. Williams*
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