

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

A Bill

SENATE BILL 342

5 By: Senator L. Eads
6 By: Representatives C. Douglas, J. Williams
7

For An Act To Be Entitled

9 AN ACT TO PERMIT THE COURT TO ORDER THE TRANSFER OF
10 WIRELESS DEVICES IN DOMESTIC ABUSE PROCEEDINGS; AND
11 FOR OTHER PURPOSES.
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Subtitle

15 TO PERMIT THE COURT TO ORDER THE TRANSFER
16 OF WIRELESS DEVICES IN DOMESTIC ABUSE
17 PROCEEDINGS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 9-15-103, concerning definitions used
23 throughout the Domestic Abuse Act, is amended to add additional subdivisions
24 to read as follows:

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

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

32 9-15-218. Commercial mobile radio service accounts – Transfer order.

33 (a) Commencing July 1, 2017, at an initial or subsequent hearing on a
34 petition filed under this Chapter, to ensure that the petitioning party may
35 maintain an existing wireless telephone number and the wireless numbers of
36 minor children in the care of the petitioning party, the court may issue an



1 order directing a wireless telephone service provider to transfer the billing
2 responsibility for and rights to the wireless telephone number or numbers to
3 the petitioning party if the petitioning party is not the accountholder.

4 (b)(1) The order in subsection (a) of this section transferring
5 billing responsibility for and rights to the wireless telephone number or
6 numbers to a petitioning party shall be a separate order that is directed to
7 the wireless telephone service provider.

8 (2) The order shall list:

9 (A) The name and billing telephone number of the
10 accountholder;

11 (B) The name and contact information of the petitioning
12 party to whom the telephone number or numbers will be transferred; and

13 (C) Each telephone number to be transferred to the
14 petitioning party.

15 (3) The court shall ensure that the contact information of the
16 petitioning party is not provided to the accountholder in proceedings held
17 under this Chapter.

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

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

24 (A) The accountholder has already terminated the account;

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

27 (C) There are geographic or other limitations on network
28 or service availability.

29 (c)(1) Upon transfer of billing responsibility for and rights to a
30 wireless telephone number or numbers to a petitioning party in subsection (b)
31 of this section by a wireless telephone service provider, the petitioning
32 party shall assume:

33 (A) Financial responsibility for the transferred wireless
34 telephone number or numbers;

35 (B) Monthly service costs; and

36 (C) Costs for any mobile device associated with the

1 wireless telephone number or numbers.

2 (2) The transfer ordered under subdivision (c)(1) of this
3 section does not preclude a wireless telephone service provider from applying
4 any routine and customary requirements for account establishment to the
5 petitioning party as part of the transfer of billing responsibility for a
6 wireless telephone number or numbers and any devices attached to that number
7 or numbers, including identification, financial information, and customer
8 preferences.

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

13 (e) Notwithstanding any other provision of the law, a wireless
14 telephone service provider, or its officers, employees, assigns, or agents,
15 is not liable for civil damages or criminal liability in connection with
16 compliance with an order issued under this chapter or for a failure to
17 process an order issued under this chapter.

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