

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S3/9/17
A Bill

HOUSE BILL 1534

By: Representative J. Williams

For An Act To Be Entitled

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

Subtitle

TO PROVIDE FOR THE TRANSFER OF WIRELESS
DEVICES IN DOMESTIC ABUSE PROCEEDINGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 9-15-103, concerning definitions used throughout the Domestic Abuse Act of 1991, is amended to add additional subdivisions to read as follows:

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

(7) "Wireless telephone service provider" means a commercial mobile radio service provider or reseller.

SECTION 2. Arkansas Code Title 9, Chapter 15, Subchapter 2, is amended to add an additional section to read as follows:

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

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



the petitioner if the petitioner:

(1) Is not the account holder; and

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

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

(2) The order shall list:

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

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

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

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

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

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

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

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

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

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

(A) Financial responsibility for the transferred wireless

telephone number or numbers;

(B) Monthly service costs; and

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

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

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

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

/s/J. Williams