

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

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

SENATE BILL 342

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

## For An Act To Be Entitled

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

## Subtitle

TO PERMIT THE COURT TO ORDER 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, 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 Chapter, to ensure that the petitioning party may maintain an existing wireless telephone number and the wireless numbers of minor children in the care of the petitioning party, 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 petitioning party if the petitioning party is not the accountholder.

(b)(1) The order in subsection (a) of this section transferring billing responsibility for and rights to the wireless telephone number or numbers to a petitioning party 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 accountholder;

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

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

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

(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 accountholder 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 transfer of billing responsibility for and rights to a wireless telephone number or numbers to a petitioning party in subsection (b) of this section by a wireless telephone service provider, the petitioning party 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) The 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 petitioning party 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 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 its officers, employees, assigns, or agents, is not liable for civil damages or criminal liability in connection with compliance with an order issued under this chapter or for a failure to process an order issued under this chapter.