

IN THE SENATE

SENATE BILL NO. 1254

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO WIRELESS TELEPHONE SERVICE; PROVIDING LEGISLATIVE INTENT; AND
2 AMENDING CHAPTER 63, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW
3 SECTION 39-6318, IDAHO CODE, TO AUTHORIZE A COURT TO ISSUE AN ORDER TO
4 TRANSFER WIRELESS TELEPHONE SERVICE IN CERTAIN INSTANCES, TO PROVIDE
5 REQUIREMENTS FOR AN ORDER, TO PROVIDE FOR SERVICE OF AN ORDER, TO PRO-
6 VIDE FOR EXCEPTIONS TO EFFECTUATING AN ORDER, TO PROVIDE FOR NOTICE WHEN
7 AN ORDER CANNOT BE EFFECTUATED, TO PROVIDE FOR THE TRANSFER OF CERTAIN
8 RESPONSIBILITIES, TO PROVIDE THAT A COURT MAY APPORTION CERTAIN ASSETS,
9 DEBTS AND PROPERTY AND TO PROVIDE AN EXEMPTION FROM LIABILITY IN CERTAIN
10 INSTANCES.
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to
14 allow a victim of domestic violence to retain the use of an existing wireless
15 telephone number and access to the contacts and other information that may
16 be contained in an existing wireless telephone. For many victims of domes-
17 tic violence, a wireless telephone is a lifeline to the community resources,
18 the life-saving services and the support networks victims need in order to
19 leave a batterer and an abusive environment. Many victims require access
20 to a wireless telephone to obtain counseling services and legal assistance,
21 such as securing a protection order. For these victims, a wireless telephone
22 serves as a critical tool for making appointments and communicating with ad-
23 vocates. This can be a problem if the domestic violence victim is not the ac-
24 count holder for the wireless telephone, as only an account holder has the
25 authority to release the telephone number or numbers contained in the ac-
26 count.

27 SECTION 2. That Chapter 63, Title 39, Idaho Code, be, and the same is
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
29 ignated as Section 39-6318, Idaho Code, and to read as follows:

30 39-6318. ORDER FOR TRANSFER OF WIRELESS TELEPHONE SERVICE. (1) In or-
31 der to ensure that a requesting party can maintain an existing wireless tele-
32 phone number and the wireless numbers of any minor children in the care of
33 the requesting party, a court may issue an order, after notice and a hearing,
34 directing a wireless telephone service provider to transfer the billing re-
35 sponsibility for and rights to the wireless telephone number or numbers to
36 the requesting party, if the requesting party is not the account holder.

37 (2) (a) The order transferring billing responsibility for and rights
38 to the wireless telephone number or numbers to a requesting party shall
39 be a separate order that is directed to the wireless telephone service
40 provider. The order shall list the name and billing telephone number of
41 the account holder, the name and contact information of the person to

1 whom the telephone number or numbers will be transferred and each tele-
2 phone number to be transferred to that person. The court shall ensure
3 that the contact information of the requesting party is not provided to
4 the account holder.

5 (b) The order shall be served on the wireless service provider's agent
6 for service of process listed with the secretary of state.

7 (c) Where the wireless service provider cannot operationally or tech-
8 nically effectuate the order due to certain circumstances including,
9 but not limited to, any of the following, the wireless service provider
10 shall notify the requesting party when:

11 (i) The account holder has already terminated the account;

12 (ii) Differences in network technology prevent the functionality
13 of a device on the network; or

14 (iii) There are geographic or other limitations on network or ser-
15 vice availability.

16 (3) (a) Upon transfer of billing responsibility for and rights to a
17 wireless telephone number or numbers to a requesting party, pursuant
18 to subsection (2) of this section, by a wireless telephone service
19 provider, the requesting party shall assume all financial responsibil-
20 ity for the transferred wireless telephone number or numbers, monthly
21 service costs and costs for any mobile device associated with the wire-
22 less telephone number or numbers.

23 (b) This section shall not preclude a wireless service provider from
24 applying any routine and customary requirements for account establish-
25 ment to the requesting party as part of this transfer of billing respon-
26 sibility for a wireless telephone number or numbers and any devices at-
27 tached to that number or numbers including, but not limited to, identi-
28 fication, financial information and customer preferences.

29 (4) This section shall not affect the ability of the court to apportion
30 the assets and debts of the parties as provided for in law or the ability to
31 determine the temporary use, possession and control of personal property.

32 (5) No cause of action shall lie against any wireless telephone service
33 provider, its officers, employees or agents for actions taken in accordance
34 with the terms of a court order issued pursuant to the provisions of this sec-
35 tion.