
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2528 Session of
2014

INTRODUCED BY SCHREIBER, O'BRIEN, SAINATO, BROWNLEE, PICKETT,
THOMAS, MUNDY, O'NEILL, J. HARRIS, KINSEY, MCGEEHAN,
CALTAGIRONE, SCHLOSSBERG, D. COSTA, MAHONEY, YOUNGBLOOD,
WHITE, SWANGER, McCARTER, SONNEY, JAMES, PASHINSKI, BARRAR,
WATSON, MURT, DONATUCCI, COHEN, V. BROWN, MIRABITO AND QUINN,
OCTOBER 3, 2014

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 3, 2014

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for relief; and
3 providing for shared wireless telephone plans.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 6108 of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subsection to read:

8 § 6108. Relief.

9 * * *

10 (i) Shared telephone plans.--

11 (1) If a plaintiff is a party to a telephone plan
12 contract held by and in the name of the defendant, or a
13 relative of the defendant, in any protection order or consent
14 agreement approved by the court in accordance with subsection
15 (a) the court shall:

16 (i) order the defendant to remove the plaintiff as a

1 party to such a telephone plan contract within three
2 calendar days; and

3 (ii) order the defendant to pay any surcharge, early
4 termination fee or any other penalty that may incur as a
5 result of removing the plaintiff as a party to the
6 telephone plan contract.

7 (2) Failure to remove the plaintiff from the shared
8 telephone plan shall be subject to the penalties as
9 prescribed in sections 6113 (relating to arrest for violation
10 of order) and 6114 (relating to contempt for violation of
11 order or agreement).

12 (3) As used in this subsection, the following words and
13 phrases shall have the meanings given to them in this
14 paragraph unless the context clearly indicates otherwise:

15 "Shared telephone plan." A package of services offered
16 to subscribers at a set monthly access fee or rate by a
17 telecommunications service provider, including, but not
18 limited to, voice, messaging, data, Internet access and
19 television content under a telephone plan contract.

20 "Telecommunications service provider." A company,
21 including a provider of cable television, that supplies
22 customers with telecommunications services, including land
23 line and wireless telephone services, Internet access, data
24 and the delivery of television content.

25 "Telephone plan contract." A shared telephone plan that
26 allows a customer to share minutes and other services with
27 another individual under one account or contract with a
28 telecommunications service provider, regardless of whether
29 the plan is a shared-minute or family plan contract.

30 Section 2. Title 23 is amended by adding a section to read:

1 § 6108.6. Shared telephone plans.

2 (a) General rule.--

3 (1) A telecommunications service provider shall allow a
4 person who is under a telephone plan contract with the
5 provider and who is a victim of domestic violence involving
6 another person under the same telephone plan contract to opt
7 out of the contract without charge. A request to opt out of a
8 telephone plan contract shall be in writing and shall include
9 any of the following documents, which shall relate to the
10 domestic violence:

11 (i) A valid police report.

12 (ii) A valid protection from abuse order.

13 (iii) A signed affidavit from a licensed medical or
14 mental health care provider, an employee of a court
15 acting within the scope of employment, a social worker, a
16 rape crisis counselor, a domestic violence counselor or
17 an advocate acting on behalf of an agency that assists
18 domestic violence victim.

19 (2) A request to opt out of a telephone plan contract
20 shall be made in good faith and the telecommunications
21 service provider shall waive the otherwise applicable fees or
22 charges for the person requesting to opt out of the contract.

23 (3) A person seeking accommodation under this section
24 may request, and if requested shall be provided at no
25 additional cost to that person, a new phone number within
26 twenty-four hours from the time the request is made.

27 (b) Deadline for providing documents.--Any document provided
28 to a telecommunications service provider by a person seeking to
29 opt out of a telephone plan contract in accordance with
30 subsection (a) must be:

1 (1) provided to the telecommunications service provider
2 at the time the request to opt out is made;

3 (2) issued no more than six months before the opt-out
4 request.

5 (c) Retention and confidentiality of documents.--A
6 telecommunication service provider that receives a written
7 request accompanied by the necessary documentation to opt out of
8 a telephone plan contract in accordance with this section may
9 retain the documentation or return it to the person seeking to
10 opt out. Any documentation provided to a telecommunications
11 service provider by a victim of domestic violence shall be
12 considered confidential communications and, if retained by a
13 telecommunications service provider, shall be subject to the
14 confidentiality requirements under Federal or State law.

15 (d) Applicability.--This section shall apply to telephone
16 plan contracts entered into on or after the effective date of
17 this section.

18 (e) Definitions.--For the purposes of this section, the
19 terms "telecommunications service provider" and "telephone plan
20 contract" shall have the meanings given to them in section
21 6108(i)(3) (relating to relief).

22 Section 3. This act shall take effect as follows:

23 (1) The addition of 23 Pa.C.S. § 6108(i) shall take
24 effect immediately.

25 (2) This section shall take effect immediately.

26 (3) The remainder of this act shall take effect in 60
27 days.