
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 949 Session of
2015

INTRODUCED BY BOSCOLA, COSTA, FONTANA, FARNESE, MENSCH,
BREWSTER, SABATINA, TARTAGLIONE, TEPLITZ, WOZNIAK, RAFFERTY,
VULAKOVICH AND ALLOWAY, JULY 15, 2015

REFERRED TO JUDICIARY, JULY 15, 2015

AN ACT

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

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

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

9 § 6108. Relief.

10 * * *

11 (i) Shared telephone plans.--

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

17 (i) order the defendant to remove the plaintiff as a
18 party to such a telephone plan contract within three

1 calendar days; and

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

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

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

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

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

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

29 Section 2. Title 23 is amended by adding a section to read:
30 § 6108.6. Shared telephone plans.

1 (a) General rule.--

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

10 (i) A valid police report.

11 (ii) A valid protection from abuse order.

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

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

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

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

30 (1) provided to the telecommunications service provider

1 at the time the request to opt out is made;

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

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

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

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

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

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

24 (2) This section shall take effect immediately.

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