

1-1 By: Guerra, et al. (Senate Sponsor - Zaffirini) H.B. No. 1372
1-2 (In the Senate - Received from the House April 12, 2021;
1-3 April 19, 2021, read first time and referred to Committee on
1-4 Jurisprudence; May 14, 2021, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; May 14, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to authorizing a petitioner for a protective order to
1-16 separate the petitioner's wireless telephone number from the
1-17 respondent's wireless telephone service account.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Subchapter B, Chapter 85, Family Code, is
1-20 amended by adding Section 85.0225 to read as follows:

1-21 Sec. 85.0225. SEPARATION OF WIRELESS TELEPHONE SERVICE
1-22 ACCOUNT. (a) A petitioner who is the primary user of a wireless
1-23 telephone number associated with the respondent's wireless
1-24 telephone service account may submit to the court that renders a
1-25 protective order for the petitioner under this chapter a request
1-26 for the court to order:

1-27 (1) the separation of that wireless telephone number
1-28 from the respondent's wireless telephone service account; and

1-29 (2) if applicable, the separation of each wireless
1-30 telephone number primarily used by a child in the petitioner's care
1-31 or custody.

1-32 (b) The request must include each wireless telephone number
1-33 for which the petitioner requests separation.

1-34 (c) If the petitioner shows by a preponderance of the
1-35 evidence that for each wireless telephone number listed in the
1-36 request the petitioner or, if applicable, a child in the
1-37 petitioner's care or custody is the primary user, the court shall
1-38 render a separate order directing the wireless telephone service
1-39 provider to transfer the billing responsibilities and rights to
1-40 each listed wireless telephone number to the petitioner.

1-41 (d) An order rendered under Subsection (c) must include:

1-42 (1) the name and billing wireless telephone number of
1-43 the wireless telephone service account holder;

1-44 (2) each wireless telephone number to be transferred;
1-45 and

1-46 (3) a statement requiring the wireless telephone
1-47 service provider to transfer to the petitioner all financial
1-48 responsibility for and the right to use each wireless telephone
1-49 number transferred.

1-50 (e) For purposes of Subsection (d)(3), financial
1-51 responsibility includes the monthly service costs associated with
1-52 any mobile device associated with the wireless telephone number.

1-53 (f) The court shall serve a copy of the order described by
1-54 Subsection (c) on the registered agent for the wireless telephone
1-55 service provider designated under Chapter 5, Business
1-56 Organizations Code.

1-57 (g) The court shall ensure that the contact information of
1-58 the petitioner is not provided to the respondent as the wireless
1-59 telephone service account holder in a proceeding under this
1-60 section.

1-61 SECTION 2. Title 12, Business & Commerce Code, is amended by

2-1 adding Chapter 608 to read as follows:

2-2 CHAPTER 608. SEPARATION OF WIRELESS TELEPHONE SERVICE ACCOUNTS

2-3 Sec. 608.001. SEPARATION BY COURT ORDER. (a) On receipt of
2-4 a court order issued under Section 85.0225, Family Code, a wireless
2-5 telephone service provider shall transfer to the petitioner named
2-6 in the order the use of each wireless telephone number listed in the
2-7 order.

2-8 (b) A wireless telephone service provider is not required to
2-9 complete the transfer described by Subsection (a) if, as soon as
2-10 practicable but not later than the fifth business day after the date
2-11 the provider receives the court order, the provider notifies the
2-12 petitioner that:

2-13 (1) the wireless telephone service account holder
2-14 named in the order has terminated the account;

2-15 (2) a difference in network technology would prevent
2-16 or impair the functionality of a device on a network if the transfer
2-17 occurs;

2-18 (3) the transfer would cause a geographic or other
2-19 limitation on the network or service provision to the petitioner;
2-20 or

2-21 (4) another technological or operational issue would
2-22 prevent or impair the use of the wireless telephone number if the
2-23 transfer occurs.

2-24 (c) A wireless telephone service provider may charge the
2-25 petitioner routine and customary fees and impose routine and
2-26 customary requirements for establishing a wireless telephone
2-27 service account, including requiring the petitioner to provide
2-28 proof of identification, financial information, and customer
2-29 references.

2-30 (d) In imposing and collecting fees under Subsection (c),
2-31 the wireless telephone service provider may not:

2-32 (1) impose a penalty for early termination of a
2-33 contract in connection with separating a wireless telephone service
2-34 account under this section;

2-35 (2) hold the petitioner responsible for any
2-36 outstanding balance of the respondent's wireless telephone service
2-37 account or require payment of the outstanding balance as a
2-38 condition of separating a wireless telephone service account under
2-39 this section; or

2-40 (3) charge a fee for transferring the wireless
2-41 telephone number in addition to the usual and customary fees for
2-42 establishing a wireless telephone service account.

2-43 (e) If further action is required by the petitioner to
2-44 complete the transfer process, the wireless telephone service
2-45 provider shall make a description of the necessary procedures
2-46 available in writing.

2-47 (f) A wireless telephone service provider or an officer,
2-48 employee, or agent of the provider is not subject to civil liability
2-49 for actions taken under this section as required by a court order
2-50 rendered under Section 85.0225, Family Code.

2-51 SECTION 3. The change in law made by this Act applies only
2-52 to a petition for a protective order filed on or after the effective
2-53 date of this Act.

2-54 SECTION 4. This Act takes effect September 1, 2021.

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