

By: Hinojosa

H.B. No. 3801

A BILL TO BE ENTITLED

AN ACT

1
2 relating to authorizing a petitioner for a protective order to
3 separate the petitioner's wireless telephone number from the
4 respondent's wireless telephone service account.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

8 Sec. 85.0225. SEPARATION OF WIRELESS TELEPHONE ACCOUNT.

9 (a) A petitioner who is the primary user of a wireless telephone
10 number associated with the respondent's wireless telephone service
11 account may submit to the court that renders a protective order for
12 the petitioner under this chapter a request for the court to order:

13 (1) the separation of that wireless telephone number
14 from the respondent's wireless telephone service account; and

15 (2) if applicable, the separation of each wireless
16 telephone number primarily used by a child in the petitioner's care
17 or custody.

18 (b) The request must include each telephone number for which
19 the petitioner requests separation.

20 (c) If the petitioner shows by a preponderance of the
21 evidence that for each wireless telephone number listed in the
22 request the petitioner or, if applicable, a child in the
23 petitioner's care or custody is the primary user, the court shall
24 render a separate order directing the wireless telephone service

1 provider to transfer the billing responsibility and rights to each
2 listed wireless telephone number to the petitioner.

3 (d) The order under Subsection (c) must include:

4 (1) the name and billing telephone number of the
5 account holder;

6 (2) each wireless telephone number to be transferred;
7 and

8 (3) a statement requiring the wireless telephone
9 service provider to transfer to the petitioner all financial
10 responsibility for and the right to use each wireless telephone
11 number transferred.

12 (e) For purposes of Subsection (d)(3), financial
13 responsibility includes the monthly service costs associated with
14 any mobile device associated with the wireless telephone number.

15 SECTION 2. Title 12, Business & Commerce Code, is amended by
16 adding Chapter 607 to read as follows:

17 CHAPTER 607. SEPARATION OF WIRELESS TELEPHONE SERVICE ACCOUNTS

18 Sec. 607.001. SEPARATION BY COURT ORDER. (a) On receipt of
19 a court order issued under Section 85.0225, Family Code, a wireless
20 telephone service provider shall:

21 (1) terminate the named account holder's use of each
22 telephone number listed in the order; and

23 (2) transfer to the petitioner named in the order the
24 use of each telephone number listed in the order.

25 (b) A wireless telephone service provider is not required to
26 complete the transfer described by Subsection (a) if, not later
27 than 72 hours after receiving the court order, the provider

1 notifies the petitioner that:

2 (1) the account holder named in the order has
3 terminated the account;

4 (2) a difference in network technology would prevent
5 or impair the functionality of a device on a network if the transfer
6 occurs;

7 (3) the transfer would cause a geographic or other
8 limitation on the network or service provision to the petitioner;
9 or

10 (4) another technological or operational issue would
11 prevent or impair the use of the wireless telephone number if the
12 transfer occurs.

13 (c) A wireless telephone service provider may charge the
14 petitioner routine and customary fees and impose routine and
15 customary requirements for establishing a wireless telephone
16 service account or for transferring a wireless telephone number,
17 including requiring the petitioner to provide proof of
18 identification, financial information, and customer references.
19 The provider may not impose a penalty for early termination of a
20 contract in connection with separating an account under this
21 section.

22 (d) A wireless telephone service provider is not subject to
23 civil liability for actions taken under this section as required by
24 a court order issued under Section 85.0225, Family Code.

25 SECTION 3. The change in law made by this Act applies only
26 to a petition for a protective order filed on or after the effective
27 date of this Act.

1 SECTION 4. This Act takes effect September 1, 2019.