

## **BILL ANALYSIS**

Senate Research Center  
87R263 JSC-D

H.B. 1372  
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Jurisprudence  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Family violence survivors seeking to keep their wireless telephone numbers and service need assistance when the perpetrator of family violence is the primary account holder of the wireless telephone service account. Mobile phone service contracts generally allow only the primary account holder to make changes to the plan, including removing or transferring a secondary phone number. Some perpetrators of family violence maintain control over their victims by isolating them from friends, families, and other sources of support by canceling the victim's cell phone plan. H.B. 1372 would protect survivors of family violence by authorizing the separation of the wireless telephone numbers of a petitioner and any applicable children from the account of a primary account holder via court order.

H.B. 1372 amends current law relating to authorizing a petitioner for a protective order to separate the petitioner's wireless telephone number from the respondent's wireless telephone service account.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 85, Family Code, by adding Section 85.0225, as follows:

Sec. 85.0225. SEPARATION OF WIRELESS TELEPHONE SERVICE ACCOUNT. (a) Authorizes a petitioner who is the primary user of a wireless telephone number associated with the respondent's wireless telephone service account to submit to the court that renders a protective order for the petitioner under Chapter 85 (Issuance of Protective Order) a request for the court to order:

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

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

(b) Requires that the request include each wireless telephone number for which the petitioner requests separation.

(c) Requires the court, if the petitioner shows by a preponderance of the evidence that for each wireless telephone number listed in the request the petitioner or, if applicable, a child in the petitioner's care or custody is the primary user, to render a separate order directing the wireless telephone service provider to transfer the billing responsibilities and rights to each listed wireless telephone number to the petitioner.

(d) Requires that an order rendered under Subsection (c) include:

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

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

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

(e) Provides that for purposes of Subsection (d)(3), financial responsibility includes the monthly service costs associated with any mobile device associated with the wireless telephone number.

(f) Requires the court to serve a copy of the order described by Subsection (c) on the registered agent for the wireless telephone service provider designated under Chapter 5 (Names of Entities; Registered Agents and Registered Offices), Business Organizations Code.

(g) Requires the court to ensure that the contact information of the petitioner is not provided to the respondent as the wireless telephone service account holder in a proceeding under this section.

SECTION 2. Amends Title 12, Business & Commerce Code, by adding Chapter 608, as follows:

CHAPTER 608. SEPARATION OF WIRELESS TELEPHONE  
SERVICE ACCOUNTS

Sec. 608.001. SEPARATION BY COURT ORDER. (a) Requires a wireless telephone service provider, on receipt of a court order issued under Section 85.0225, Family Code, to transfer to the petitioner named in the order the use of each wireless telephone number listed in the order.

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

(1) the wireless telephone service account holder named in the order has terminated the account;

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

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

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

(c) Authorizes a wireless telephone service provider to charge the petitioner routine and customary fees and impose routine and customary requirements for establishing a wireless telephone service account, including requiring the petitioner to provide proof of identification, financial information, and customer references.

(d) Prohibits the wireless telephone service provider, in imposing and collecting fees under Subsection (c), from:

(1) imposing a penalty for early termination of a contract in connection with separating a wireless telephone service account under this section;

(2) holding the petitioner responsible for any outstanding balance of the respondent's wireless telephone service account or requiring payment of the outstanding balance as a condition of separating a wireless telephone service account under this section; or

(3) charging a fee for transferring the wireless telephone number in addition to the usual and customary fees for establishing a wireless telephone service account.

(e) Requires the wireless telephone service provider, if further action is required by the petitioner to complete the transfer process, to make a description of the necessary procedures available in writing.

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

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2021.