87R263 JSC-D

By:  Guerra H.B. No. 1372

A BILL TO BE ENTITLED

AN ACT

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.

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

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

Sec. 85.0225.  SEPARATION OF WIRELESS TELEPHONE SERVICE ACCOUNT. (a) A petitioner who is the primary user of a wireless telephone number associated with the respondent's wireless telephone service account may submit to the court that renders a protective order for the petitioner under this chapter 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)  The request must include each wireless telephone number for which the petitioner requests separation.

(c)  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, the court shall 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)  An order rendered under Subsection (c) must 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)  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)  The court shall serve a copy of the order described by Subsection (c) on the registered agent for the wireless telephone service provider designated under Chapter 5, Business Organizations Code.

(g)  The court shall 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.  Title 12, Business & Commerce Code, is amended by adding Chapter 608 to read as follows:

CHAPTER 608. SEPARATION OF WIRELESS TELEPHONE SERVICE ACCOUNTS

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

(b)  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)  A wireless telephone service provider may 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)  In imposing and collecting fees under Subsection (c), the wireless telephone service provider may not:

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

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

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

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

(f)  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.  The change in law made by this Act applies only to a petition for a protective order filed on or after the effective date of this Act.

SECTION 4.  This Act takes effect September 1, 2021.