

By: Guerra, Ramos, Wu

H.B. No. 1372

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

1 render a separate order directing the wireless telephone service  
2 provider to transfer the billing responsibilities and rights to  
3 each listed wireless telephone number to the petitioner.

4 (d) An order rendered under Subsection (c) must include:

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

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

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

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

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

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

24 SECTION 2. Title 12, Business & Commerce Code, is amended by  
25 adding Chapter 608 to read as follows:

26 CHAPTER 608. SEPARATION OF WIRELESS TELEPHONE SERVICE ACCOUNTS

27 Sec. 608.001. SEPARATION BY COURT ORDER. (a) On receipt of

1 a court order issued under Section 85.0225, Family Code, a wireless  
2 telephone service provider shall transfer to the petitioner named  
3 in the order the use of each wireless telephone number listed in the  
4 order.

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

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

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

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

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

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

27 (d) In imposing and collecting fees under Subsection (c),

1 the wireless telephone service provider may not:

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

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

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

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

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

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

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