

HOUSE BILL No. 2524

AN ACT concerning rights to a wireless telephone number; relating to protection from abuse.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) For the purposes of this section:

(1) “Wireless services” means services as defined in K.S.A. 2017 Supp. 66-2019(a)(19), and amendments thereto;

(2) “wireless services provider” means a provider or reseller of wireless services, as defined in K.S.A. 2017 Supp. 66-2019(a)(24), and amendments thereto.

(b) At a hearing on a petition filed pursuant to the protection from abuse act, K.S.A. 60-3101 et seq., and amendments thereto, or the protection from stalking or sexual assault act, K.S.A. 60-31a01 et seq., and amendments thereto, in order to ensure that the petitioner may maintain an existing wireless telephone number and the wireless numbers of any minor children in the care of the petitioner, the court may issue an order directing a wireless services provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to the petitioner if the petitioner is not the account holder. The clerk of the court shall supply the forms for the petition and order, which shall be prescribed by the judicial council.

(c) (1) The order transferring billing responsibility for and rights to the wireless telephone number or numbers to a petitioner shall be a separate order that is directed to the wireless services provider. The order shall list:

(A) The name and billing telephone number of the account holder;

(B) the name and contact information of the person to whom the telephone number or numbers will be transferred; and

(C) each telephone number to be transferred to the petitioner.

(2) When an order issued under this section is made in conjunction with a petition filed under the protection from stalking or sexual assault act, K.S.A. 60-31a01 et seq., and amendments thereto, the court shall ensure the petitioner’s address and telephone number are not disclosed to the account holder. When an order issued under this section is made in conjunction with a petition filed under the protection from abuse act, K.S.A. 60-3101 et seq., and amendments thereto, and the court finds the petitioner’s address, telephone number, or both, need to remain confidential pursuant to K.S.A. 60-3104(c), and amendments thereto, the court shall direct that the petitioner’s information remain confidential.

(3) The order shall be served on the wireless services provider’s agent for service of process listed with the secretary of state.

(4) The wireless services provider shall notify the petitioner if the wireless services provider cannot operationally or technically effectuate the order due to circumstances including, but not limited to:

(A) The account holder has already terminated the account;

(B) differences in network technology prevent the functionality of a device on the network; or

(C) geographic or other limitations on network or service availability.

(d) (1) Upon transfer of billing responsibility for and rights to a wireless telephone number or numbers to a petitioning party pursuant to subsection (b), the petitioner shall assume all financial responsibility for the transferred wireless telephone number or numbers, monthly service costs and costs for any wireless device associated with the wireless telephone number or numbers.

(2) This section shall not prohibit a wireless services provider from applying any routine and customary requirements for account establishment to the petitioner as part of the transfer of billing responsibility for a wireless telephone number or numbers and any devices attached to that number or numbers, including, but not limited to, identification, financial information and customer preferences. The wireless services provider shall not charge a fee for the services provided pursuant to this section.

(e) This section shall not affect the ability of the court to apportion the assets and debts of the petitioner and account holder or the ability to determine the temporary use, possession and control of personal property pursuant to K.S.A. 23-2802, and amendments thereto.

(f) Notwithstanding any other provision of law, no wireless services provider, its officers, employees, assigns or agents shall be liable for civil damages or criminal liability in connection with compliance with any or-

der issued pursuant to this section or for any failure to process any order issued pursuant to this section.

(g) Any wireless services provider operating in the state of Kansas shall adhere to a court order issued pursuant to this act.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.