

As Amended by House Committee

Session of 2018

HOUSE BILL No. 2524

By Committee on Judiciary

1-23

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

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

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

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

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

30 (2) ~~The court shall ensure that the contact information of the~~  
31 ~~petitioner is not provided to the account holder in proceedings conducted~~  
32 ~~pursuant to this section~~ **When an order issued under this section is**  
33 **made in conjunction with a petition filed under the protection from**  
34 **stalking or sexual assault act, K.S.A. 60-31a01 et seq., and**  
35 **amendments thereto, the court shall ensure the petitioner's address**  
36 **and telephone number are not disclosed to the account holder. When**

1 **an order issued under this section is made in conjunction with a**  
2 **petition filed under the protection from abuse act, K.S.A. 60-3101 et**  
3 **seq., and amendments thereto, and the court finds the petitioner's**  
4 **address, telephone number, or both, need to remain confidential**  
5 **pursuant to K.S.A. 60-3104(c), and amendments thereto, the court**  
6 **shall direct that the petitioner's information remain confidential.**

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

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

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

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

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

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

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

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

34 (f) Notwithstanding any other provision of law, no wireless services  
35 provider, its officers, employees, assigns or agents shall be liable for civil  
36 damages or criminal liability in connection with compliance with any  
37 order issued pursuant to this section or for any failure to process any order  
38 issued pursuant to this section.

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

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