

## **Protection from Abuse Act; Protection from Stalking or Sexual Assault Act; Transfer of Wireless Telephone Number; HB 2524**

**HB 2524** creates law allowing a court, at a hearing on a petition filed pursuant to the Protection from Abuse Act (PFAA) or Protection from Stalking or Sexual Assault Act (PFSSAA), to issue an order directing a wireless services provider (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, to ensure the petitioner and any minor children in the care of the petitioner may maintain their existing wireless telephone numbers. The forms for the petition and order shall be prescribed by the Judicial Council and supplied by the clerk of the court.

This order shall be a separate order directed to the provider and must list the name and billing telephone number of the account holder, the name and contact information of the person to whom the telephone number or numbers will be transferred, and each telephone number to be transferred.

If the order is made in conjunction with a PFSSAA petition, the court must ensure the petitioner's address and telephone number are not disclosed to the account holder. If the order is made in conjunction with a petition filed under the PFAA, the court must direct that the petitioner's information remain confidential if the court finds the petitioner's address, telephone number, or both need to remain confidential.

The order must be served on the provider's agent for service of process listed with the Secretary of State. The provider must notify the petitioner if the provider cannot operationally or technically effectuate the order due to circumstances including, but not limited to:

- The account holder already terminating the account;
- Differences in network technology preventing the functionality of a device on the network; or
- Geographic or other limitations on network or service availability.

Upon transfer of billing responsibility for and rights to a number or numbers to the petitioner, the petitioner shall assume all financial responsibility for the transferred number or numbers, monthly service costs, and costs for any wireless device associated with the number or numbers.

The bill states a provider is not prohibited from applying any routine and customary requirements for account establishment to the petitioner as part of the transfer of billing responsibility, including, but not limited to, identification, financial information, and customer preferences.

The bill states it will 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 the statute governing division of property under the Revised Kansas Family Law Code.

The bill states, notwithstanding any other provision of law, no wireless services provider or its officers, employees, assigns, or agents shall be liable for civil damages or criminal liability in connection with compliance with a transfer issued under its provisions or for failure to process such order.

The bill requires any provider operating in Kansas to adhere to an order issued under its provisions and prohibits a provider from charging a fee for the services provided pursuant to the bill.

The bill provides the definitions of “wireless services” and “wireless services provider” are the same as provided in the statute governing siting of wireless infrastructure.