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MEMORANDUM

To: Chairman Olson and Members of the Committee on Utilities
From: Matt Sterling, Assistant Revisor of Statutes
Date: March 16, 2018
RE: House Bill 2524

HB 2524 would allow an order pursuant to the protection from abuse act or the protection from stalking or sexual assault act, to include transfer of rights to wireless telephone numbers.

At a hearing on a petition for protection from abuse, stalking or sexual assault, the court could issue an order directing a wireless services provider to transfer billing responsibility for and rights to wireless telephone numbers for the petitioner, and any minor children in the care of the petitioner, to the petitioner. Such order would be separate from a protection from abuse, stalking or sexual assault order and would be directed to the wireless services provider. The bill also provides for a list of information that must be included in the order.

When an order issued pursuant to this section is made in conjunction with a petition filed under the protection from stalking or sexual assault act, the court would require that the contact information of the petitioner was not provided to the account holder. When an order issued under this section was made in conjunction with a petition filed under the protection from abuse act, and the court found the petitioner's address, telephone number, or both, need to remain confidential pursuant to K.S.A. 60-3104(c), the court would direct that the petitioner's information be kept confidential.

The bill would also require the wireless services provider to notify the petitioner if an order cannot be carried out for any of the reasons listed in subsection (c)(4). Once the transfer has happened, the petitioner shall assume financial responsibility for the telephone numbers transferred to the petitioner.

The bill would not prohibit wireless service providers from applying customary requirements for account establishment to the petitioner, but the wireless services provider would not be permitted to charge a fee for the services provided pursuant to this section. The bill would not affect the ability of courts to apportion assets under the division of property statute. The bill also requires wireless services provider operating in Kansas to adhere to a court order issued pursuant to this act and provides immunity from civil and criminal liability for wireless services providers in connection with this section.