

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, in order to
13 ensure that the petitioner may maintain an existing wireless telephone
14 number and the wireless numbers of any minor children in the care of the
15 petitioner, the court may issue an order directing a wireless services
16 provider to transfer the billing responsibility for and rights to the wireless
17 telephone number or numbers to the petitioner if the petitioner is not the
18 account holder.

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

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

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

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

27 (2) The court shall ensure that the contact information of the
28 petitioner is not provided to the account holder in proceedings conducted
29 pursuant to this section.

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

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

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

36 (B) differences in network technology prevent the functionality of a

1 device on the network; or

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

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

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

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

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

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