

STAND. COM. REP. NO.

451

Honolulu, Hawaii

February 20, 2015

RE: H.B. No. 538
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Consumer Protection, & Commerce, to which was referred H.B. No. 538, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose of this measure is to provide assistance to persons victimized by domestic violence by requiring telecommunication service providers (Wireless Providers) to release an individual from a shared or family wireless plan and arrange for alternate service, without any charges or fees, if the individual submits a written request and documentation of instances of domestic violence.

The Office of the Prosecuting Attorney, County of Kauai; Office of the Prosecuting Attorney, County of Hawaii; Hawaii State Commission on the Status of Women; Hawaii Women's Coalition; PHOCUSED; and an individual testified in support of this measure. CTIA-The Wireless Association provided comments on this measure.

Your Committee has amended this measure by deleting its substance and inserting provisions allowing victims of domestic abuse to retain use of an existing wireless telephone number even when the victim is not an account holder by:

HB538 HD2 HSCR CPC HMS 2015-1991



- (1) Allowing a victim of domestic abuse to keep the victim's existing telephone number upon the issuance of a court order to the Wireless Provider, even if the victim is not currently the telephone's account holder;
- (2) Ensuring the interest of all parties are protected by providing that Wireless Providers only be required to break an otherwise valid contract upon issuance of a court order;
- (3) Specifying that the court order list the name and billing telephone number of the account holder, the name of the person to whom the telephone number or numbers will be transferred, and each telephone number to be transferred;
- (4) Defining the terms "domestic abuse," "wireless communications service," and "wireless telecommunications service provider" for greater clarity; and
- (5) Ensuring that the Wireless Provider is not held liable for breaking a contract or other actions taken in accordance with the terms of a court order.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 538, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.B. No. 538, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ANGUS L.K. MCKELVEY, Chair



