

STAND. COM. REP. NO. 919

Honolulu, Hawaii

MAR 20 2015

RE: H.B. No. 538  
H.D. 2  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 538, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to authorize the Family Court to issue an order requiring wireless telecommunications service providers to transfer the billing authority and rights to a wireless telephone number or numbers to a petitioner, if the petitioner is not the account holder.

Your Committee received testimony in support of this measure from PHOCUSED and three individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that victims of domestic violence often find themselves struggling to escape their abusive situations. The financial and contractual obligations associated with wireless plans often act as a barrier that prevents a domestic abuse survivor from leaving an abusive relationship.

Your Committee has heard the concerns raised in testimony by the Department of the Attorney General that this measure appears to assume that the petitioner is the protected party named in the order for protection. The relief proposed by this measure would therefore not be available to a minor, an incapacitated person, or



a person physically unable to complete or file the petition if any of these persons was not the actual petitioner. According to the Department of the Attorney General, this measure also does not address who is responsible for payment in situations of transferred billing authority or situations where a protected party is the account holder and desires to be released or removed from a shared wireless plan. Your Committee concludes that amendments to this measure are necessary to address these concerns.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the court may issue an order requiring a wireless telecommunications service provider to transfer the billing authority and all rights to the wireless numbers of a shared wireless plan to a petitioner who has been granted an order of protection pursuant to chapter 586, Hawaii Revised Statutes, if the petitioner is not the account holder;
- (2) Specifying that the court may issue an order requiring a wireless telecommunications service provider to remove or release a petitioner from a shared wireless plan and assign a substitute telephone number or numbers;
- (3) Clarifying the parties entitled to relief and payment responsibilities in situations where the petitioner is not the protected party named in the order for protection by:
  - (A) Permitting the billing authority and rights to the wireless numbers of a shared wireless plan to be transferred to another person who shall serve as the account holder, as requested by or on behalf of the protected party; and
  - (B) Permitting the Family Court to order the protected party to be removed or released from a shared wireless plan and assigned a substitute telephone number and order a person to be the account holder for the substitute telephone number, as requested by or on behalf of the protected party;



- (4) Deleting the definition of "domestic abuse", as this term is already defined in section 586-1, Hawaii Revised Statutes;
- (5) Inserting an effective date of July 1, 2015; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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

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



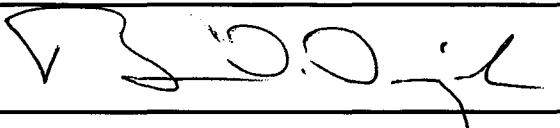
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ROSALYN H. BAKER, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB538 HD2	CPN, JDL	3/17/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
KAHELE, Gilbert	✓			
KIDANI, Michelle N.				✓
NISHIHARA, Clarence K.				✓
WAKAI, Glenn	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	5	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature: 				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes