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# A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that victims of domestic  
2 violence currently lack meaningful support and viable options  
3 when establishing a plan to leave an abuser. Independence of a  
4 wireless phone plan may often aid these victims in formulating  
5 and following through on a means of escape, especially in  
6 situations where the abuser is the account manager for the cell  
7 phone plan, and as a result, may view any calls and account  
8 activity of phones associated with the shared or family cell  
9 phone plan.

10           The legislature further finds that the major wireless  
11 telecommunications service providers currently permit  
12 cancellation or removal of phone numbers or phones from shared  
13 or family wireless service contracts, albeit with substantial  
14 fees attached. The substantial cancellation fees often amplify  
15 the hardship faced by the domestic violence victim because of  
16 the financial challenges those fees can pose.

17           The legislature recognizes that a variety of options should  
18 be afforded to victims of domestic violence when seeking to be



1 released from a shared or family cellular phone plan. While  
 2 seeking a protective order issued by the family court to be  
 3 released from a shared wireless plan is a viable option, the  
 4 legislature recognizes that some victims of domestic violence  
 5 may not be willing or financially able to obtain a court order.  
 6 Accordingly, another viable option for a victim of domestic  
 7 violence is to submit an opt-out request to be released from a  
 8 shared or family cellular phone plan, especially under limited  
 9 time constraints.

10 The purpose of this Act is to assist victims of domestic  
 11 violence by providing victims with options to be released from  
 12 shared or family cellular phone plans. Specifically, this Act:

13 (1) Requires all wireless telecommunications service  
 14 providers to release, without charge, penalty, or fee,  
 15 victims of documented domestic violence from shared  
 16 wireless plans involving their abuser; provided that  
 17 the victims submit an opt-out request in writing and  
 18 documentary evidence of domestic violence; and

19 (2) Authorizes the family court to issue an order  
 20 requiring wireless telecommunications service  
 21 providers, without charge, penalty, or fee, to:



1 (A) Transfer billing authority and all rights to the  
2 wireless numbers of a shared wireless plan to a  
3 petitioner who has been granted an order of  
4 protection pursuant to chapter 586, Hawaii  
5 Revised Statutes, if the petitioner is not the  
6 account holder; or

7 (B) Remove or release a petitioner from a shared  
8 wireless plan and assign a substitute telephone  
9 number or numbers.

10 SECTION 2. Chapter 269, Hawaii Revised Statutes, is  
11 amended by adding a new section to be appropriately designated  
12 and to read as follows:

13 "§269- Release of domestic violence victims from shared  
14 wireless plans. (a) All wireless telecommunications service  
15 providers shall release, without charge, penalty, or fee, any  
16 victim of domestic violence from a shared or family wireless  
17 service contract involving the victim's abuser; provided that  
18 the victim submits an opt-out request in writing and with  
19 evidence of domestic violence as documented by any of the  
20 following items:



1        (1) Valid police report documenting an instance or series  
2            of instances of domestic violence;

3        (2) Order for protection granted pursuant to chapter 586;  
4            or

5        (3) Signed affidavit from a licensed medical or mental  
6            health care provider, employee of a court acting  
7            within the scope of their employment, or social  
8            worker.

9        (b) Any victim of domestic violence who submits an opt-out  
10        request to a wireless telecommunications service provider  
11        pursuant to subsection (a) may further request a substitute or  
12        new phone number or alternative telecommunications service.  
13        Upon such request, the wireless telecommunications service  
14        provider shall provide a substitute or new phone number or  
15        alternative telecommunications service without charge, penalty,  
16        or fee and within twenty-four hours from the time the opt-out  
17        request is submitted to the wireless telecommunications service  
18        provider.

19        (c) For purposes of this section:

20        "Domestic violence" shall have the same meaning as in  
21        section 321-471.



1        "Wireless telecommunications service" shall have the same  
2 meaning as "commercial mobile radio service" as defined in title  
3 47 Code of Federal Regulations section 20.3.

4        "Wireless telecommunications service provider" means a  
5 provider of wireless telecommunications service."

6        SECTION 3. Chapter 586, Hawaii Revised Statutes, is  
7 amended by adding a new section to be appropriately designated  
8 and to read as follows:

9        "§586-    Transfer or release of domestic violence victims  
10 from shared wireless plans. (a) The court may issue an order  
11 requiring a wireless telecommunications service provider,  
12 without charge, penalty, or fee, to:

13        (1) Transfer the billing authority and all rights to the  
14 wireless telephone number or numbers of a shared  
15 wireless plan to a petitioner who has been granted an  
16 order for protection pursuant to this chapter if the  
17 petitioner is not the account holder of the shared  
18 wireless plan; provided that if the petitioner is not  
19 the protected party named in the order for protection,  
20 the billing authority and rights to the wireless  
21 telephone number or numbers of a shared wireless plan



1 may be transferred to another person who shall serve  
2 as the account holder, as requested by or on behalf of  
3 the protected party with the protected party's  
4 approval; or

5 (2) Remove or release the petitioner from a shared  
6 wireless plan and assign a substitute telephone number  
7 or numbers; provided that if the petitioner is not the  
8 protected party named in the order for protection, the  
9 court may order that the protected party be removed or  
10 released from a shared wireless plan and assigned a  
11 substitute telephone number or numbers and order a  
12 person, as requested by or on behalf of the protected  
13 party with the protected party's approval, to be the  
14 account holder for the substitute telephone number or  
15 numbers.

16 (b) The order issued pursuant to subsection (a) shall be a  
17 separate order that is directed to the wireless  
18 telecommunications service provider. The order shall list the  
19 name and billing telephone number of the account holder, the  
20 name of the person to whom the telephone number or numbers will  
21 be transferred, and each telephone number to be transferred.



1        (c) A cause of action shall not lie against any wireless  
2 telecommunications service provider, its officers, employees, or  
3 agents for the actions taken that are related to the transfer of  
4 the billing authority and rights to the wireless telephone  
5 number or numbers in accordance with the terms of a court order  
6 issued pursuant to this section.

7        (d) For purposes of this section:

8        "Domestic violence" shall have the same meaning as in  
9 section 321-471.

10       "Wireless telecommunications service" shall have the same  
11 meaning as "commercial mobile radio service" as defined in title  
12 47 Code of Federal Regulations section 20.3.

13       "Wireless telecommunications service provider" means a  
14 provider of wireless telecommunications service."

15       SECTION 4. This Act does not affect rights and duties that  
16 matured, penalties that were incurred, and proceedings that were  
17 begun before its effective date.

18       SECTION 5. New statutory material is underscored.

19       SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Domestic Violence; Wireless Telecommunications Service Providers

**Description:**

Requires wireless telecommunications service providers to release domestic violence victims from shared service plans upon request and with documentation. Authorizes the family court to order wireless providers to transfer billing authority for or release domestic violence victims from shared service plans upon petition by a victim. (HB538 CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

