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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 abuse currently lack meaningful support and viable options when  
3 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 purpose of this Act is to assist victims of domestic  
11 abuse by authorizing the family court to issue an order  
12 requiring wireless telecommunications service providers to:

13           (1) Transfer billing authority and all rights to the  
14 wireless numbers of a shared wireless plan to a  
15 petitioner who has been granted an order of protection  
16 pursuant to chapter 586, Hawaii Revised Statutes, if  
17 the petitioner is not the account holder; or



1 (2) Remove or release a petitioner from a shared wireless  
2 plan and assign a substitute telephone number or  
3 numbers.

4 SECTION 2. Chapter 586, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7 "§586- Transfer or release of domestic abuse victims  
8 from shared wireless plans. (a) The court may issue an order  
9 requiring a wireless telecommunications service provider to:

10 (1) Transfer the billing authority and all rights to the  
11 wireless telephone number or numbers of a shared  
12 wireless plan to a petitioner who has been granted an  
13 order for protection pursuant to this chapter if the  
14 petitioner is not the account holder of the shared  
15 wireless plan; provided that if the petitioner is not  
16 the protected party named in the order for protection,  
17 the billing authority and rights to the wireless  
18 telephone number or numbers of a shared wireless plan  
19 may be transferred to another person who shall serve  
20 as the account holder, as requested by or on behalf of  
21 the protected party; or



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

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

17       (c) For purposes of this section:

18       "Wireless telecommunications service" shall have the same  
19       meaning as "commercial mobile radio service" as defined in title  
20       47 Code of Federal Regulations section 20.3.



1       "Wireless telecommunications service provider" means a  
2 provider of wireless telecommunications service."

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

9       SECTION 3. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun before its effective date.

12       SECTION 4. New statutory material is underscored.

13       SECTION 5. This Act shall take effect on July 1, 2015.



**Report Title:**

Domestic Abuse; Wireless Plans; Wireless Telecommunications  
Service Providers; Contractual Release

**Description:**

Authorizes the family court to issue an order requiring wireless telecommunications service providers to: transfer billing authority and rights to phone numbers of a shared wireless plan to a petitioner who is a domestic abuse victim; or release a petitioner who is a domestic abuse victim from a shared wireless plan and assign a substitute telephone number. Specifies parties entitled to relief and payment responsibilities in situations where the petitioner is not the protected party named in the order for protection. (SD1)

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

