

## **TRANSFER OF CELL PHONE NUMBERS WHEN PERSONAL PROTECTION ORDER IN PLACE**

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**House Bill 5641 as enacted**  
**Public Act 269 of 2016**  
**Sponsor: Rep. Tom Barrett**

Analysis available at  
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**House Bill 5642 as enacted**  
**Public Act 270 of 2016**  
**Sponsor: Rep. Vanessa Guerra**

**House Committee: Communications and Technology**  
**Senate Committee: Judiciary**  
**Complete to 8-2-16**

**BRIEF SUMMARY:** House Bills 5641 and 5642 added new Sections 2950n and 2950o, respectively, to the Revised Judicature Act of 1961. These new sections would allow the transfer of an existing wireless telephone number to an individual petitioning the court for a personal protection order and from the person against whom the order is sought.

This would apply when a petitioner was seeking an order against a spouse, a former spouse, an individual with whom he or she has had a child in common, an individual the petitioner has or had been dating, or an individual residing or having resided in the same household as the petitioner. A telephone number could also be transferred if, in another action as part of a separate criminal case, the respondent was ordered to have no contact with the petitioner or a minor child of whom the petitioner has legal custody.

Each bill takes effect September 29, 2016.

**FISCAL IMPACT:** House Bill 5641 could have a minimal to insignificant fiscal impact on the state, depending on if the State Court Administrative Office determines forms need to be developed. House Bill 5642 does not appear to have any fiscal impact.

### ***DISCUSSION:***

According to testimony presented in committee, the intent of the legislation is to enable the transfer of cell phone numbers to an individual who has a personal protection order against the person who is the account holder on a shared phone plan. This would allow a spouse or partner to retain a personal telephone number by having it transferred while establishing a new account. Advocates for victims of domestic abuse testified that communication is essential to getting a person out of an abusive situation, and this would allow groups seeking to support a victim to have a reliable phone number to contact a victim with aid.

Because many victims find themselves without stable housing following separation from their abuser, advocates say that it is difficult to contact a victim with offers of aid when the cell phone number was under the account of an abuser who could terminate the victim's line as a way of attempting to maintain control over that person after they left their shared home. The bill was reported from the House committee with no opposition.

### ***THE CONTENT OF THE BILL:***

#### **House Bill 5641**

HB 5641 creates a new Section 2950n, which requires that an order allowing the transfer of an existing wireless telephone number contain the following:

- Name and billing telephone number of the named customer.
- Name and telephone information of the petitioner.
- Each telephone number to be transferred to the petitioner. The court would be required to ensure that the contact information of the petitioner is not provided to the customer or respondent

The State Court Administrative Office (SCAO) is required to develop any forms necessary to effectuate this section and Section 2950o. The bill also contains language stating that Section 2950n and Section 2950o would not affect the ability of the court to determine the temporary use, possession, and control of personal property or to apportion the assets and debts of the parties as otherwise provided by law.

#### **House Bill 5642**

HB 5642 creates a new Section 2950o, which outlines the obligations of the petitioner and wireless service provider in regards to an order issued under Section 2950n. Such an order must be served on the wireless telephone service provider as required under the Michigan court rules.

If the wireless telephone service provider cannot operationally or technically effectuate an order because of any of the circumstances listed below, the wireless telephone service provider must notify the petitioner within 72 hours after the wireless telephone service provider receives the order:

- The customer has terminated service for the number.
- Differences in network technology prevent the functionality of a device on the network.
- There are geographic or other limitations on network or service availability.
- Any other circumstance that prevents the order from being operationally or technically effectuated.

If this notification is provided, then the order would be automatically suspended. Once a number is transferred, the billing responsibility and rights to a wireless telephone number would rest with the petitioner, who would then assume all financial responsibility for service to the transferred number, monthly service costs, and costs for any mobile device associated with that number.

Neither newly added section would preclude a wireless telephone service provider from applying any routine and customary requirements for the establishment of service to the petitioner as part of a transfer of billing responsibility for a number and any devices associated with the number, including, but not limited to, identification, financial information, and customer preferences. In addition, the bill states that a wireless telephone service provider and its employees and agents are not liable for any actions taken in accordance with this section or a court order issued under Section 2950n.

***POSITIONS:***

The following indicated support for HB 5641 and HB 5642:

AT&T (5-24-16)

Michigan Coalition to End Domestic and Sexual Violence (5-26-16)

Michigan Poverty Law Program (5-24-16)

Michigan Catholic Conference (5-24-16)

Verizon (5-24-16)

T-Mobile USA (5-17-16)

Sprint (5-17-16)

Michigan Domestic and Sexual Violence Prevention and Treatment Board (5-17-16)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.