

## **ALLOW PERSONAL PROTECTION ORDER HOLDER TO TRANSFER WIRELESS TELEPHONE NUMBERS**

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<http://www.house.mi.gov/hfa>

**House Bill 5641 (proposed H-1 substitute)**  
**Sponsor: Rep. Tom Barrett**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 5642 as introduced**  
**Sponsor: Rep. Vanessa Guerra**

**Committee: Communications and Technology**  
**Complete to 5-23-16**

### **SUMMARY:**

House Bills 5641 and 5642 would add 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 that individual was seeking the order.

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 with whom 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 would take effect 90 days after the date it is enacted into law, and the two are also tie-barred together, meaning neither can take effect unless the other is enacted into law.

[NOTE: The text of Section 2950 of the Revised Judicature Act, which is referenced in HB 5641, is the "as amended" version, which takes effect on August 1, 2016, because that is the text which will be in effect should HB 5641 become law.]

### **House Bill 5641**

HB 5641 creates a new Section 2950n which would require 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) would be required to develop any forms necessary to effectuate this section and Section 2950o. The bill would also contain 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 would outline 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 would 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 would state that a wireless telephone service provider and its employees and agents would not liable for any actions taken in accordance with this section or a court order issued under Section 2950n.

### **FISCAL IMPACT:**

House Bill 5641 could have a minimal to insignificant fiscal impact on the state, depending on if the SCAO determines forms need to be developed. House Bill 5642 does not appear to have any fiscal impact.

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