



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5641 (Substitute H-1 as reported without amendment)
House Bill 5642 (as reported without amendment)
Sponsor: Representative Tom Barrett (H.B. 5641)
Representative Vanessa Guerra (H.B. 5642)
House Committee: Communications and Technology
Senate Committee: Judiciary

CONTENT

House Bills 5641 (H-1) and 5642 would add Sections 2950n and 2950o, respectively, to the Revised Judicature Act to allow a petitioner who was not the named wireless service phone customer, to maintain the existing telephone number, and require the service provider to transfer rights to the number to the petitioner, in an action involving domestic violence or stalking, or another action if a no-contact order had been entered.

The bills are tie-barred.

House Bill 5641 (H-1) would allow a court to enter an order allowing a petitioner to maintain an existing wireless telephone number, or the wireless phone number of a minor child of whom the petitioner had legal custody, if the petitioner were not the named wireless phone service customer. This provision would apply in an action for a personal protection order in a domestic violence or stalking situation, or in another action if the respondent in the action had been ordered, in a separate criminal case, to have no contact with the petitioner or minor child. The court would have to order the wireless telephone service provider to transfer to the petitioner the billing responsibility for, and rights to, the wireless telephone number.

The State Court Administrative Office would have to develop any forms necessary to effectuate Sections 2950n and 2950o.

The bill specifies that Sections 2950n and 2950o would not affect the court's ability 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 would require a court order issued under Section 2950n to be served on the wireless telephone service provider as required under Michigan Court Rules. If the provider could not operationally or technically effectuate the order because of any of the following circumstances, it would have to notify the petitioner within 72 hours after receiving the order, and the court order would automatically be suspended:

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

When the billing responsibility for and rights to a wireless phone number were transferred to a petitioner, he or she would have to assume all financial responsibility for service to the

transferred number, monthly service costs, and costs for any mobile device associated with the number.

Sections 2950n and 2950o would not 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 including identification, financial information, and customer preferences.

A wireless phone service provider and its employees and agents would not be liable for any actions taken in accordance with the proposed sections.

Proposed MCL 600.2950n (H.B. 5641)
Proposed MCL 600.2950o (H.B. 5642)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills could have a minimal negative fiscal impact on the State and local government. The State Court Administrative Office would be required to develop any forms necessary to implement the bills, which would result in minimal administrative costs that would be within current appropriations. House Bill 5642 would require courts to serve the transfer of service orders to wireless telephone service providers. This requirement could place incremental resource demands on local court systems.

Date Completed: 6-8-16

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.