

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 1763

02/27/2017 Authored by Barr, R.; Smith; Halverson and Pinto
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to domestic violence; permitting a court order transferring wireless phone
1.3 number and billing responsibility; amending Minnesota Statutes 2016, section
1.4 518B.01, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 518B.01, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 7a. **Order to transfer wireless telephone numbers.** (a) To ensure that the
1.9 petitioner maintains an existing wireless telephone number, and the wireless numbers of
1.10 any minor children in the care of the petitioner, the court, in any action for an order for
1.11 protection under this section, may issue an order after notice and hearing directing a wireless
1.12 telephone service provider to transfer billing responsibility for and rights to the wireless
1.13 telephone number or numbers to the petitioner, if the petitioner is not the account holder.

1.14 (b) The order transferring billing responsibility for and rights to the wireless telephone
1.15 number or numbers to a petitioner must:

1.16 (1) be a separate order that is directed to the wireless telephone service; and

1.17 (2) list the name and billing telephone number of the account holder, the name and
1.18 contact information of the person to whom the telephone number or numbers will be
1.19 transferred, and each telephone number to be transferred to that person.

1.20 (c) The court must ensure that the petitioner's contact information listed on the order
1.21 transferring billing responsibility is confidential and is not provided to the account holder.

2.1 (d) The court must serve the order transferring billing responsibility upon the wireless
2.2 telephone service provider's agent for service of process listed with the secretary of state.

2.3 (e) If technical or operational circumstances prevent the wireless telephone service
2.4 provider from implementing the order transferring billing responsibility, the wireless
2.5 telephone service provider must notify the court within 72 hours of receipt of the order and
2.6 the order must be automatically suspended. Circumstances preventing implementation of
2.7 the order include but are not limited to:

2.8 (1) the account holder already terminated the account;

2.9 (2) differences in network technology prevent the functionality of a device on the network;

2.10 (3) geographic or other factors limit network or service availability; or

2.11 (4) implementing the order would prevent or impair the use of the telephone number or
2.12 numbers.

2.13 (f) Upon transfer of billing responsibility for and rights to a wireless telephone number
2.14 or numbers to a petitioner under this subdivision, the petitioner assumes all financial
2.15 responsibility for the transferred wireless telephone number or numbers, monthly service
2.16 costs, and costs for any mobile device associated with the wireless telephone number or
2.17 numbers.

2.18 (g) This subdivision does not preclude a wireless telephone service provider from
2.19 applying to the petitioner any routine and customary requirements for account establishment
2.20 as part of the transfer of billing responsibility for a wireless telephone number or numbers
2.21 and any devices attached to that number or numbers, including but not limited to
2.22 identification, financial information, and customer preferences.

2.23 (h) This subdivision does not affect the ability of the court to apportion the assets and
2.24 debts of the parties as provided for in law, or the ability to determine the temporary use,
2.25 possession, and control of personal property under subdivision 6, paragraph (a), clause (8).

2.26 (i) No cause of action shall lie against any wireless telephone service provider or its
2.27 officers, employees, or agents for actions taken according to this subdivision or according
2.28 to the terms of an order transferring billing responsibility issued under this section.