

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 215

By: Griffin

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6 AS INTRODUCED

7 An Act relating to the Protection from Domestic Abuse
8 Act; authorizing orders to transfer certain wireless
9 accounts; specifying required contents of certain
10 orders; establishing procedures for transmission of
11 certain orders; requiring certain notice; requiring
12 assumption of certain costs upon transfer; allowing
13 usage of certain requirements for account
14 establishment; clarifying applicability of
15 provisions; prohibiting certain causes of action;
16 defining term; providing for codification; and
17 providing an effective date.

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20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 60.17a of Title 22, unless there
23 is created a duplication in numbering, reads as follows:

24 A. In a proceeding under the Protection from Domestic Abuse
Act, a court may, in order to ensure that a petitioner can maintain
an existing wireless telephone number or numbers, issue an order,
after notice and an opportunity to be heard, directing a wireless
service provider to transfer the billing responsibility for and
rights to the wireless telephone number or numbers to the

1 petitioner, if the petitioner is not the wireless service account
2 holder.

3 B. 1. An order transferring billing responsibility for and
4 rights to the wireless telephone number or numbers to the petitioner
5 shall list the name and billing telephone number of the account
6 holder, the name and contact information of the person to whom the
7 telephone number or numbers will be transferred, and each telephone
8 number to be transferred to that person. The court shall ensure
9 that the contact information of the petitioner is not provided to
10 the account holder in proceedings held under the Protection from
11 Domestic Abuse Act.

12 2. Upon issuance, a copy of the full order of protection shall
13 be transmitted, either electronically or by certified mail, to the
14 wireless service provider's registered agent listed with the
15 secretary of state, or electronically to the email address provided
16 by the wireless service provider. Such transmittal shall constitute
17 adequate notice for the wireless service provider.

18 3. If the wireless service provider cannot operationally or
19 technically effectuate the order due to certain circumstances, the
20 wireless service provider shall notify the petitioner within three
21 business days. Such circumstances shall include, but not be limited
22 to:

23 a. the account holder has already terminated the account,
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1 b. the differences in network technology prevent the
2 functionality of a device on the network, or

3 c. there are geographic or other limitations on network
4 or service availability.

5 C. 1. Upon transfer by a wireless service provider of billing
6 responsibility for and rights to a wireless telephone number or
7 numbers to the petitioner pursuant to an order under this section,
8 the petitioner shall assume all financial responsibility for the
9 transferred wireless telephone number or numbers, monthly service
10 costs and costs for any mobile device associated with the wireless
11 telephone number or numbers. This subsection shall not preclude a
12 wireless service provider from applying any routine and customary
13 requirements for account establishment to the petitioner as part of
14 the transfer of billing responsibility for a wireless telephone
15 number or numbers and any devices attached to that number or numbers
16 including, but not limited to, identification, financial information
17 and customer preferences.

18 D. This section shall not affect the authority of the court to
19 apportion the assets and debts of the parties as provided for by
20 law, or the ability to determine the temporary use, possession and
21 control of personal property.

22 E. No cause of action shall lie against any wireless service
23 provider, its officers, employees or agents, for actions taken in
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1 accordance with the terms of a court order issued under this
2 section.

3 F. As used in this section, "wireless service provider" means a
4 provider of commercial mobile service under Section 332(d) of the
5 Federal Telecommunications Act of 1996 (47 U.S.C. Section 139 151,
6 et seq.).

7 SECTION 2. This act shall become effective November 1, 2017.

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