

SS SCS SB 838 -- COURT ORDER TO MODIFY CERTAIN WIRELESS CONTRACTS

SPONSOR: Silvey (Fraker)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Utility Infrastructure by a vote of 14 to 0. Voted "Do Pass" by the Select Committee on Utilities by a vote of 11 to 0.

This bill specifies that in any full or ex parte order of protection, in instances where the petitioner is not the wireless service account holder a court may direct a wireless service provider to transfer to the petitioner the billing responsibility for and rights to an existing wireless telephone number or numbers, including the wireless telephone numbers of any minor children in the petitioner's care.

The bill specifies what information must be included in the order and requires the order to be served on the wireless service provider's agent for service of process listed with the Secretary of State. If the wireless service provider cannot operationally or technically comply with the order due certain specified circumstances, they must notify the petitioner within 72 hours.

The wireless service provider is not precluded from applying any routine and customary requirements for account establishment to the petitioner as part of this transfer of billing responsibility.

These provisions do not affect the ability of the court to apportion the assets and debts of the parties or to determine the temporary use, possession and control of personal property, and no cause of action lies against any wireless service provider, its officers, employees, or agents for actions taken in accordance with a court order issued under these provisions.

PROPONENTS: Supporters say that the bill is identical to a House bill passed consent that is currently in the Senate. It will allow victims of domestic violence who obtain a full order of protection to have their phone bill separated from the abuser and retain their phone number. The phone companies require legal authority to modify contracts in this way, but will not suffer any financial hardship.

Testifying for the bill were Senator Silvey; Missouri Coalition Against Domestic And Sexual Violence; Southwestern Bell Telephone Company D/B/A At&T Missouri And Its Affiliates; U. S. Cellular; and the Missouri Telecommunications Industry Association.

OPPONENTS: There was no opposition voiced to the committee.