

HOUSE BILL 253

D4

9lr0969

By: **Delegates Valentino–Smith, Atterbeary, Dumais, Fennell, W. Fisher, Lehman, McComas, Pena–Melnyk, Proctor, Stewart, and Sydnor**

Introduced and read first time: January 24, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Protective Orders – Relief – Transfer of Wireless Telephone Service**

3 FOR the purpose of authorizing the court, in a temporary protective order or a final
4 protective order, to order a wireless telephone service provider to transfer to a person
5 eligible for relief the billing responsibility for and the right to continue the use of a
6 certain telephone number under certain circumstances; requiring the court to serve
7 a certain order on a wireless telephone service provider's resident agent; requiring a
8 wireless telephone service provider to comply with a certain order within a certain
9 time frame unless the wireless telephone service provider provides certain notice;
10 requiring a certain order to include certain information; providing that a certain
11 order terminates the respondent's financial responsibility for and use of a certain
12 telephone number; prohibiting a wireless telephone service provider from charging
13 a person eligible for relief a certain fee; establishing that a wireless telephone service
14 provider's standard requirements for establishing an account and transferring a
15 telephone number apply to a transfer required under this Act; providing that a
16 wireless telephone service provider is immune from civil liability for complying with
17 a certain order; and generally relating to protective orders and wireless telephone
18 service.

19 BY repealing and reenacting, with amendments,
20 Article – Family Law
21 Section 4–505(a)(2)(viii) and (ix) and 4–506(d)(13) and (14)
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2018 Supplement)

24 BY adding to
25 Article – Family Law
26 Section 4–505(a)(2)(x), 4–506(d)(14), and 4–506.2
27 Annotated Code of Maryland
28 (2012 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Family Law**

4 4–505.

5 (a) (2) The temporary protective order may order any or all of the following
6 relief:

7 (viii) order the respondent to surrender to law enforcement authorities
8 any firearm in the respondent’s possession, and to refrain from possession of any firearm,
9 for the duration of the temporary protective order if the abuse consisted of:

10 1. the use of a firearm by the respondent against a person
11 eligible for relief;

12 2. a threat by the respondent to use a firearm against a
13 person eligible for relief;

14 3. serious bodily harm to a person eligible for relief caused by
15 the respondent; or

16 4. a threat by the respondent to cause serious bodily harm to
17 a person eligible for relief; [and]

18 (ix) award temporary possession of any pet of the person eligible for
19 relief or the respondent; OR

20 **(X) SUBJECT TO § 4–506.2 OF THIS SUBTITLE, ON REQUEST OF**
21 **THE PERSON ELIGIBLE FOR RELIEF, ORDER A WIRELESS TELEPHONE SERVICE**
22 **PROVIDER TO TRANSFER TO THE PERSON ELIGIBLE FOR RELIEF THE BILLING**
23 **RESPONSIBILITY FOR AND THE RIGHT TO CONTINUE USE OF ANY TELEPHONE**
24 **NUMBER USED BY THE PERSON ELIGIBLE FOR RELIEF OR A MINOR CHILD IN THE**
25 **PERSON’S CUSTODY.**

26 4–506.

27 (d) The final protective order may include any or all of the following relief:

28 (13) award temporary possession of any pet of the person eligible for relief
29 or the respondent; [or]

30 **(14) SUBJECT TO § 4–506.2 OF THIS SUBTITLE, ON REQUEST OF THE**
31 **PERSON ELIGIBLE FOR RELIEF, ORDER A WIRELESS TELEPHONE SERVICE PROVIDER**

1 TO TRANSFER TO THE PERSON ELIGIBLE FOR RELIEF THE BILLING RESPONSIBILITY
2 FOR AND THE RIGHT TO CONTINUE USE OF ANY TELEPHONE NUMBER USED BY THE
3 PERSON ELIGIBLE FOR RELIEF OR A MINOR CHILD IN THE PERSON'S CUSTODY; OR

4 [(14)] (15) order any other relief that the judge determines is necessary to
5 protect a person eligible for relief from abuse.

6 **4-506.2.**

7 (A) (1) THE COURT SHALL SERVE AN ORDER ISSUED UNDER §
8 4-505(A)(2)(X) OR § 4-506(D)(14) OF THIS SUBTITLE ON THE WIRELESS TELEPHONE
9 SERVICE PROVIDER'S RESIDENT AGENT.

10 (2) A WIRELESS TELEPHONE SERVICE PROVIDER SHALL COMPLY
11 WITH THE ORDER WITHIN 72 HOURS AFTER SERVICE OF THE ORDER, UNLESS THE
12 WIRELESS TELEPHONE SERVICE PROVIDER NOTIFIES THE PERSON ELIGIBLE FOR
13 RELIEF AND THE COURT THAT:

14 (I) AN ACCOUNT HOLDER ALREADY TERMINATED THE
15 ACCOUNT ASSOCIATED WITH THE TELEPHONE NUMBER; OR

16 (II) THE REQUESTED TRANSFER, IF COMPLETED, WOULD:

17 1. IMPAIR THE PROPER FUNCTION OF A WIRELESS
18 DEVICE;

19 2. RESULT IN NETWORK OR SERVICE DISRUPTION; OR

20 3. CAUSE A TECHNICAL OR OPERATIONAL PROBLEM.

21 (B) AN ORDER ISSUED UNDER § 4-505(A)(2)(X) OR § 4-506(D)(14) OF THIS
22 SUBTITLE:

23 (1) SHALL INCLUDE:

24 (I) THE NAME AND BILLING TELEPHONE NUMBER OF THE
25 ACCOUNT HOLDER; AND

26 (II) THE NAME AND CONTACT INFORMATION OF THE PERSON TO
27 WHOM THE TELEPHONE NUMBER WILL BE TRANSFERRED; AND

28 (2) TERMINATES THE RESPONDENT'S FINANCIAL RESPONSIBILITY
29 FOR AND USE OF THE TRANSFERRED TELEPHONE NUMBER.

1 **(C) (1) A WIRELESS TELEPHONE SERVICE PROVIDER MAY NOT CHARGE**
2 **THE PERSON ELIGIBLE FOR RELIEF A FEE FOR TRANSFERRING A TELEPHONE**
3 **NUMBER UNDER THIS SECTION.**

4 **(2) A WIRELESS TELEPHONE SERVICE PROVIDER'S STANDARD**
5 **REQUIREMENTS FOR ESTABLISHING AN ACCOUNT AND TRANSFERRING A**
6 **TELEPHONE NUMBER APPLY TO A TRANSFER UNDER THIS SECTION, INCLUDING:**

7 **(I) PROOF OF THE IDENTITY OF THE PERSON ELIGIBLE FOR**
8 **RELIEF;**

9 **(II) THE FINANCIAL INFORMATION OF THE PERSON ELIGIBLE**
10 **FOR RELIEF; AND**

11 **(III) THE CUSTOMER PREFERENCES OF THE PERSON ELIGIBLE**
12 **FOR RELIEF.**

13 **(D) A WIRELESS TELEPHONE SERVICE PROVIDER IS IMMUNE FROM CIVIL**
14 **LIABILITY FOR COMPLYING WITH AN ORDER ISSUED UNDER § 4-505(A)(2)(X) OR §**
15 **4-506(D)(14) OF THIS SUBTITLE.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2019.