

AMENDMENTS TO SENATE BILL NO. 313

Sponsor: SENATOR BOSCOLA

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1 Amend Bill, page 1, lines 3 and 4, by striking out "and
2 providing for shared telephone plans"

3 Amend Bill, page 1, lines 7 through 18; pages 2 and 3, lines
4 1 through 30; page 4, lines 1 through 26; by striking out all of
5 said lines on said pages and inserting

6 Section 1. Section 6108(a) of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended by adding a paragraph to read:
8 § 6108. Relief.

9 (a) General rule.--The court may grant any protection order
10 or approve any consent agreement to bring about a cessation of
11 abuse of the plaintiff or minor children. The order or agreement
12 may include:

13 * * *

14 (2.1) Granting the transfer of an existing wireless
15 telephone number, including the wireless telephone numbers of
16 minor children in the care of the plaintiff, to the plaintiff
17 when the billing responsibility for and rights to the
18 wireless telephone number belong to the defendant as the
19 account holder. The following apply:

20 (i) The order shall be a separate order that is
21 directed to the wireless telephone service provider. The
22 order shall list the name and billing telephone number of
23 the defendant, the name and contact information of the
24 plaintiff to whom the wireless telephone number will be
25 transferred and the wireless telephone number to be
26 transferred to the plaintiff. The court shall ensure that
27 the contact information of the plaintiff is not provided
28 to the defendant in proceedings held under section 6112
29 (relating to disclosure of addresses).

30 (ii) The order shall be served on the wireless
31 service provider. The wireless service provider shall
32 establish protocols to respond to the order issued under
33 this subparagraph.

34 (iii) If applicable, the wireless service provider
35 shall notify the court and plaintiff within three

1 business days of receipt of the order that the wireless
2 service provider cannot operationally or technically
3 effectuate the order due to certain circumstances,
4 including, but not limited to, the following:

5 (A) The defendant has already terminated the
6 account.

7 (B) Differences in wireless network technology
8 prevent the functionality of a device on the network.

9 (C) There are geographic or other limitations on
10 the wireless network or service availability.

11 (iv) Upon transfer of billing responsibility for and
12 rights to the wireless telephone number to a plaintiff
13 under this paragraph, the plaintiff shall assume all
14 financial responsibility for the transferred wireless
15 telephone number, monthly service costs and costs for the
16 mobile device attached to the wireless telephone number.

17 (v) Wireless service providers shall apply routine
18 and customary requirements for account establishment for
19 the plaintiff as part of the transfer of billing
20 responsibility for wireless telephone numbers and any
21 mobile devices attached to the wireless telephone numbers
22 under this paragraph, including, but not limited to,
23 identification, financial information and customer
24 preferences.

25 (vi) Nothing in this paragraph shall be construed
26 to affect the ability of the court to apportion the
27 assets and debts of the plaintiff and defendant as
28 provided by the laws of this Commonwealth or the ability
29 to determine the temporary use, possession and control of
30 personal property under this chapter.

31 (vii) No cause of action shall be brought against a
32 wireless telephone service provider or the wireless
33 telephone service provider's officers, employees or
34 agents, for actions taken in accordance with the terms of
35 an order issued under this paragraph.

36 (viii) The Unified Judicial System of Pennsylvania
37 shall, no later than July 1, 2018, develop any forms or
38 rules necessary to effectuate this paragraph.

39 * * *

40 Section 2. This act shall take effect July 1, 2018, or
41 immediately, whichever is later.