

ASSEMBLY, No. 4154

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 28, 2020

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District 7 (Burlington)

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SYNOPSIS

Permits court to order transfer of billing responsibility for, and rights to, wireless telephone number to certain victims of domestic violence or stalking.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/28/2020)

1 **AN ACT** concerning protections for certain victims of domestic
2 violence or stalking and supplementing Title 2C of the New
3 Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. In addition to any other relief granted pursuant to the
9 provisions of the “Prevention of Domestic Violence Act of 1991,”
10 P.L.1991, c.261 (C.2C:25-17 et al.) or section 3 of P.L.1996, c.39
11 (C.2C:12-10.1), the court may issue an order directing a wireless
12 telephone service provider to transfer the billing responsibility for
13 and rights to a wireless telephone number to the victim, if the
14 victim is not the account holder.

15
16 2. a. The order transferring billing responsibility for and rights
17 to the wireless telephone number to a victim shall be a separate
18 order that is directed to the wireless telephone service provider. The
19 order shall list the name and the billing telephone number of the
20 account holder, the name and contact information of the person to
21 whom the telephone number will be transferred, and each telephone
22 number to be transferred to that person. The court shall ensure that
23 the contact information of the victim is not provided to the account
24 holder in proceedings held pursuant to P.L.1991, c.261 (C.2C:25-17
25 et al.).

26 b. The order shall be served on the wireless service provider’s
27 agent for service of process listed with the Secretary of State.

28 c. The wireless service provider shall notify the victim and the
29 court within 72 hours of receipt of the order if the provider cannot
30 operationally or technically effectuate the order due to certain
31 circumstances, including, but not limited to, any of the following:

32 (1) The account holder has already terminated the account;
33 (2) Differences in network technology prevent the functionality
34 of a device on the network; or

35 (3) There are geographic or other limitations on network or
36 service availability.

37 If the wireless service provider cannot operationally or
38 technically effectuate the order, the provider shall inform the court
39 and the victim of any reasons for the provider’s noncompliance.

40
41 3. a. Upon transfer of billing responsibility for and rights to a
42 wireless telephone number to the victim pursuant to this act, the
43 victim shall assume all financial responsibility for the transferred
44 wireless telephone number, monthly service costs, and costs for any
45 mobile device associated with the wireless telephone number.

46 b. This section shall not preclude a wireless service provider
47 from applying any routine and customary requirements for account
48 establishment to the victim as part of the transfer of billing

1 responsibility for a wireless telephone number and any devices
2 attached to that number, including, but not limited to, identification,
3 financial information, and customer preferences.

4
5 4. P.L. , c. (C.) (pending before the Legislature as this
6 bill) shall not affect the authority of the court to apportion the assets
7 and debts of the parties pursuant to law, or the authority of the court
8 to determine the temporary use, possession, and control of personal
9 property pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29).

10
11 5. No wireless telephone service provider or its officers,
12 employees, or agents shall be liable for damages for actions taken in
13 accordance with the terms of a court order issued pursuant to this
14 act.

15
16 6. This act shall take effect immediately.

17
18
19 STATEMENT

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21 This bill would permit the court to issue an order directing a
22 wireless telephone service provider to transfer a domestic violence
23 or stalking victim's wireless telephone number to that victim. This
24 would enable the victim to maintain any existing wireless telephone
25 numbers. The substitute would apply to victims of domestic violence
26 as set forth in the "Prevention of Domestic Violence Act of 1991,"
27 P.L.1991, c.261 (C.2C:25-17 et al.) and victims of stalking who have
28 obtained a permanent restraining order pursuant to section 3 of
29 P.L.1996, c.39 (C.2C:12-10.1). The court order would transfer billing
30 responsibility for, and rights to, any of the victim's wireless
31 telephone number to that victim, if the victim is not already the
32 account holder.

33 In a separate order, the court would list the name and billing
34 telephone number of the account holder, the name and contact
35 information of the person to whom the telephone number will be
36 transferred, and each telephone number to be transferred to that
37 person. The court would ensure that the contact information of the
38 victim is not provided to the account holder in any domestic
39 violence proceedings.

40 The order would be served on the wireless service provider's
41 agent for service of process listed with the Secretary of State. The
42 wireless service provider would notify the victim and the court
43 within 72 hours of receipt of the order if the provider cannot
44 operationally or technically effectuate the order for situations
45 including, but not limited to, any of the following:

46 (1) The account holder has already terminated the account;

47 (2) Differences in network technology prevent the functionality
48 of a device on the network; or

1 (3) There are geographic or other limitations on network or
2 service availability.

3 If the provider cannot operationally or technically effectuate the
4 order, the provider would inform the court and the victim of any
5 reasons for the provider's noncompliance.

6 Upon transfer of billing responsibility for and rights to a wireless
7 telephone number to the victim, the victim would assume all
8 financial responsibility for the number, monthly service costs, and
9 costs for any mobile device associated with the wireless telephone
10 number or numbers.

11 The wireless service provider would not be precluded from
12 applying any routine and customary requirements for account
13 establishment to the victim as part of this transfer of billing
14 responsibility and any devices attached to that number, including,
15 but not limited to, identification, financial information, and
16 customer preferences.

17 This bill specifies that it would not affect the authority of the court
18 to apportion the assets and debts of the parties pursuant to law, or the
19 authority of the court to determine the temporary use, possession, and
20 control of personal property pursuant to section 13 of P.L.1991, c.261
21 (C.2C:25-29).

22 The bill also provides that no wireless telephone service provider
23 or its officers, employees, or agents would be liable for damages for
24 actions taken in accordance with the terms of a court order issued
25 pursuant to this bill.