

ACT 9

H.B. NO. 2639

A Bill for an Act Relating to Wireless Telecommunications Service.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 269-16.93, Hawaii Revised Statutes, is amended as follows:

“~~[[§269-16.93]]~~ Release of domestic ~~[violence]~~ abuse victims from shared wireless plans. (a) All wireless telecommunications service providers shall release, without charge, penalty, or fee, any victim of domestic ~~[violence]~~ abuse from a shared or family wireless service contract involving the victim’s abuser; provided that the victim submits an opt-out request in writing and with evidence of domestic ~~[violence]~~ abuse as documented by any of the following items:

- (1) Valid police report documenting an instance or series of instances of domestic ~~[violence];~~ abuse;
- (2) Order for protection granted pursuant to chapter 586; or
- (3) Signed affidavit from a licensed medical or mental health care provider, employee of a court acting within the scope of their employment, or social worker.

(b) ~~[Any]~~ When a victim of domestic ~~[violence who]~~ abuse submits an opt-out request to a wireless telecommunications service provider pursuant to subsection (a) ~~[may further request a substitute or new phone number or alternative telecommunications service. Upon such request],~~ the wireless telecommunications service provider shall ~~[provide a substitute or new phone number or alternative telecommunications service without charge, penalty, or fee and within twenty-four],~~ within forty-eight hours from the time the opt-out request is submitted to the wireless telecommunications service provider[-]:

- (1) Transfer the billing authority and all rights to the wireless telephone number or numbers of a shared wireless plan to the person who has been granted the release pursuant to subsection (a); or
- (2) Remove or release the person, who has been granted the release pursuant to subsection (a), from a shared wireless plan and assign a substitute telephone number or numbers,

without charge, penalty, or fee.

(c) A cause of action shall not lie against any wireless telecommunications service provider, its officers, employees, or agents for the actions taken that are related to the transfer of the billing authority and rights to the wireless telephone number or numbers in accordance with this section.

~~[(e)]~~ (d) For purposes of this section:

“Domestic ~~[violence”]~~ abuse” shall have the same meaning as in section [321-471-] 586-1.

“Wireless telecommunications service” shall have the same meaning as “commercial mobile radio service” as defined in title 47 Code of Federal Regulations section 20.3.

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“Wireless telecommunications service provider” means a provider of wireless telecommunications service.”

SECTION 2. Section 586-5.8, Hawaii Revised Statutes, is amended as follows:

1. By amending the title to read:

“~~[[§586-5.8]]~~ **Transfer or release of domestic ~~[violence]~~ abuse victims from shared wireless plans.**”

2. By amending subsection (d) to read:

“(d) For purposes of this section:

~~“Domestic violence” shall have the same meaning as in section 321-471.~~

“Wireless telecommunications service” shall have the same meaning as “commercial mobile radio service” as defined in title 47 Code of Federal Regulations section 20.3.

“Wireless telecommunications service provider” means a provider of wireless telecommunications service.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 21, 2016.)