

HOUSE BILL No. 5642

May 11, 2016, Introduced by Reps. Guerra, Hughes, Barrett, Durhal, Lucido and Bizon and referred to the Committee on Communications and Technology.

A bill to amend 1961 PA 236, entitled
"Revised judiciary act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2950o.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2950o. (1) AN ORDER ISSUED UNDER SECTION 2950N MUST BE
2 SERVED ON THE WIRELESS TELEPHONE SERVICE PROVIDER AS REQUIRED UNDER
3 THE MICHIGAN COURT RULES.

4 (2) IF THE WIRELESS TELEPHONE SERVICE PROVIDER CANNOT
5 OPERATIONALLY OR TECHNICALLY EFFECTUATE AN ORDER ISSUED UNDER
6 SECTION 2950N BECAUSE OF ANY OF THE FOLLOWING CIRCUMSTANCES, THE
7 WIRELESS TELEPHONE SERVICE PROVIDER SHALL SO NOTIFY THE PETITIONER
8 WITHIN 72 HOURS AFTER THE WIRELESS TELEPHONE SERVICE PROVIDER
9 RECEIVES THE ORDER:

- 10 (A) THE CUSTOMER HAS TERMINATED SERVICE FOR THE NUMBER.
- 11 (B) DIFFERENCES IN NETWORK TECHNOLOGY PREVENT THE

1 FUNCTIONALITY OF A DEVICE ON THE NETWORK.

2 (C) THERE ARE GEOGRAPHIC OR OTHER LIMITATIONS ON NETWORK OR
3 SERVICE AVAILABILITY.

4 (D) ANY OTHER CIRCUMSTANCE THAT PREVENTS THE ORDER FROM BEING
5 OPERATIONALLY OR TECHNICALLY EFFECTUATED.

6 (3) IF A WIRELESS TELEPHONE SERVICE PROVIDER NOTIFIES A
7 PETITIONER UNDER SUBSECTION (2), THE ORDER ISSUED UNDER SECTION
8 2950N IS AUTOMATICALLY SUSPENDED.

9 (4) ON TRANSFER OF BILLING RESPONSIBILITY FOR AND RIGHTS TO A
10 WIRELESS TELEPHONE NUMBER TO A PETITIONER BY A WIRELESS TELEPHONE
11 SERVICE PROVIDER UNDER SECTION 2950N AND THIS SECTION, THE
12 PETITIONER SHALL ASSUME ALL FINANCIAL RESPONSIBILITY FOR SERVICE TO
13 THE TRANSFERRED NUMBER, MONTHLY SERVICE COSTS, AND COSTS FOR ANY
14 MOBILE DEVICE ASSOCIATED WITH THE NUMBER.

15 (5) SECTION 2950N AND THIS SECTION DO NOT PRECLUDE A WIRELESS
16 TELEPHONE SERVICE PROVIDER FROM APPLYING ANY ROUTINE AND CUSTOMARY
17 REQUIREMENTS FOR THE ESTABLISHMENT OF SERVICE TO THE PETITIONER AS
18 PART OF A TRANSFER OF BILLING RESPONSIBILITY FOR A WIRELESS
19 TELEPHONE NUMBER AND ANY DEVICES ASSOCIATED WITH THE NUMBER,
20 INCLUDING, BUT NOT LIMITED TO, IDENTIFICATION, FINANCIAL
21 INFORMATION, AND CUSTOMER PREFERENCES.

22 (6) A WIRELESS TELEPHONE SERVICE PROVIDER AND ITS EMPLOYEES
23 AND AGENTS ARE NOT LIABLE FOR ANY ACTIONS TAKEN IN ACCORDANCE WITH
24 THIS SECTION OR A COURT ORDER ISSUED UNDER SECTION 2950N.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.

27 Enacting section 2. This amendatory act does not take effect

1 unless Senate Bill No.____ or House Bill No. 5641 (request no.
2 05872'16) of the 98th Legislature is enacted into law.