



**Testimony of Lisa Volpe McCabe**

**CTIA**

**In Opposition unless amended to Hawaii Senate Bill 2306**

**Before the Hawaii House Committee on Judiciary**

**March 15, 2020**

Chair Lee, Vice Chair San Buenaventura, and members of the Committee, thank you for the opportunity to provide this testimony in opposition unless amended to Senate Bill 2306 on behalf of CTIA, the trade association for the wireless communications industry.

The wireless industry wholeheartedly shares the goal of ensuring that victims of domestic abuse have the flexibility to modify access to phone service when they are not the account holder on a shared plan. The safety of our consumers is of the utmost importance.

In other states, the wireless industry has worked with legislators to ensure victims of domestic violence who are on a shared plan with their abuser, can separate from the account and take their number with them without having to first obtain consent from the abuser, if the abuser is the account holder. Requiring a court order directing a wireless provider to transfer billing responsibility and control over the wireless numbers (and those of any minors on the plan) to the victim supersedes the need for an account holder's consent to separate the line.

We share the sponsor's goal of working to ensure the safety and well-being of victims of domestic violence. Although the bill is well-intentioned, the wireless industry urges you to not pass the legislation as drafted but instead adopt the following amendments.

Background

Section 269-16.93, Hawaii Revised Statutes, addresses the early termination of a shared cell phone contract by a victim of domestic violence. Under law, wireless providers are required to release a customer from a shared plan without penalty upon request with any of the following forms of evidence:

- (1) valid police report documenting an instance or series of instances of domestic abuse;
- (2) order of protection; or
- (3) a signed affidavit from a licensed medical or mental health care provider, employee of the court acting within the scope of their employment, or a social worker.



SB 2306 seeks to expand upon the document evidence to include records, files, and documents that would enable early separation without penalty.

### Issues

- SB 2306 would place wireless sales and customer service representatives in the difficult position of having to verify and validate numerous different files, forms, and documents from a variety of different sources.
- Neither existing law nor SB 2306 consider the need for a victim of domestic violence to access wireless service after separating from a shared plan with an abuser to maintain connections to friends, family, and necessary support services.
- Current law provides no mechanism for victims of domestic violence to modify an existing account for their wireless service and devices when the victim is not the account holder.

### Proposal

To help assist customers who may be facing domestic abuse, Hawaii could join more than a dozen states that have enacted legislation to direct wireless providers, upon receipt of a court order, to transfer the billing responsibility and control of the service and devices of any victim of domestic violence without the account holder's consent.<sup>1</sup> This would grant victims of domestic abuse control over their phones and their children's phones, which provide critical access to family, friends and support services during a challenging time.

### Proposed Changes to SB 2306

#### Section 2(a):

1. Clarify that Section 269-16.93 applies to victims of domestic violence on a shared or family plan who would be subject to an early termination fee (ETF) for opting out of a service contract prior to satisfying any long-term fixed contract.

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<sup>1</sup> States that have enacted such legislation include: Arkansas HB 1534 (2017), California Assembly Bill 1407 (2015), Colorado SB 18-060 (2018), Idaho SB 1254 (2018), Illinois SB 57 (2017), Indiana SB 323 (2017), Kansas HB 2524 (2018), Michigan House Bill 5641 (2016), Missouri Senate Bill 838 (2016), Ohio House Bill 359 (2016), Oklahoma HB 1466 (2017), Tennessee SB 1796 (2018), Wisconsin Assembly Bill 767 (2015), and Wyoming HB 117 (2018).



As noted in Section 1, the law was intended to provide relief from ETFs for victims who cancel service.

2. Remove the requirement that the victim must provide an opt-out request in writing.

Victims should be permitted to communicate with their provider through whatever means they would typically request an account change.

3. Retain the existing forms of documentation currently prescribed in law and delete the newly proposed language.

Requiring wireless customer care and sales representatives to accept and validate different forms of documentation from a variety of different agencies, associations, and individuals would be operationally challenging and unfairly places wireless providers in the middle of a sensitive family issue.

#### New Section 3

4. Direct wireless providers, upon receipt of a court order, to transfer the billing responsibility and control of the service and devices of any survivor without the account holder's consent.

This would allow wireless providers to bypass account holder consent if the account holder is the abuser and the victim is a line on the account. The proposal would allow victims of domestic abuse the ability to maintain access to wireless service in their own name allowing ongoing access to their support system and services during a challenging time.

As stated previously, the wireless industry wholeheartedly shares the goal of ensuring that victims of domestic abuse have the flexibility to modify access to phone service when they are not the account holder on a shared plan. In order to most efficiently and safely effectuate this for domestic violence victims, we respectfully request that the bill be amended as stated above.