

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 238 Session of 2023

INTRODUCED BY HILL-EVANS, PROBST, RABB, FIEDLER, McNEILL, HANBIDGE, MADDEN, ISAACSON, CERRATO, SANCHEZ, PARKER, CIRESI, MARSHALL, OTTEN, HOWARD, DELLOSO, KHAN, BOROWSKI AND D. WILLIAMS, MARCH 10, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 10, 2023

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
 2 Consolidated Statutes, in protection from abuse, further  
 3 providing for relief and providing for shared telephone  
 4 plans.

5 The General Assembly of the Commonwealth of Pennsylvania  
 6 hereby enacts as follows:

7 Section 1. Section 6108 of Title 23 of the Pennsylvania  
 8 Consolidated Statutes is amended by adding a subsection to read:

9 § 6108. Relief.

10 \* \* \*

11 (j) Shared telephone plans.--

12 (1) If a plaintiff is a party to a telephone plan  
 13 contract held by and in the name of the defendant, or a  
 14 relative of the defendant, in a protection order or consent  
 15 agreement approved by the court in accordance with subsection  
 16 (a), the court shall:

17 (i) Order the defendant to remove the plaintiff as a  
 18 party to the telephone plan contract within three

1 calendar days.

2 (ii) Order the defendant to pay a surcharge, early  
3 termination fee or other penalty that may be incurred as  
4 a result of removing the plaintiff as a party to the  
5 telephone plan contract.

6 (2) Failure to remove the plaintiff as a party to the  
7 shared telephone contract shall be subject to the penalties  
8 as prescribed in sections 6113 (relating to arrest for  
9 violation of order) and 6114 (relating to contempt for  
10 violation of order or agreement).

11 (3) As used in this subsection, the following words and  
12 phrases shall have the meanings given to them in this  
13 paragraph unless the context clearly indicates otherwise:

14 "Shared telephone plan." A package of services offered  
15 to subscribers at a set monthly access fee or rate by a  
16 telecommunications service provider, including, but not  
17 limited to, voice, messaging, data, Internet access and  
18 television content under a telephone plan contract.

19 "Telecommunications service provider." A company,  
20 including a provider of cable television, that supplies  
21 customers with telecommunications services, including land  
22 line and wireless telephone services, Internet access, data  
23 and the delivery of television content.

24 "Telephone plan contract." A shared telephone plan that  
25 allows a customer to share minutes and other services with  
26 another individual under one account or as parties to one  
27 contract with a telecommunications service provider,  
28 regardless of whether the plan is a shared-minute plan or  
29 family plan.

30 Section 2. Title 23 is amended by adding a section to read:

1 § 6108.8. Shared telephone plans.

2 (a) General rule.--

3 (1) A telecommunications service provider shall allow an  
4 individual who is a party to a telephone plan contract with  
5 the provider and a victim of domestic violence involving  
6 another individual who is a party to the same telephone plan  
7 contract to opt out of the telephone plan contract without  
8 charge. A request to opt out of a telephone plan contract  
9 must be in writing and include one of the following documents  
10 which must relate to the domestic violence:

11 (i) A valid police report.

12 (ii) A valid protection from abuse order.

13 (iii) A signed affidavit from a licensed medical or  
14 mental health care provider, an employee of a court  
15 acting within the scope of employment, a social worker, a  
16 rape crisis counselor, a domestic violence counselor or  
17 an advocate acting on behalf of an agency that assists  
18 domestic violence victims.

19 (2) A request to opt out of a telephone plan contract  
20 shall be made in good faith and the telecommunications  
21 service provider shall waive the otherwise applicable fees or  
22 charges for the individual making the request.

23 (3) If an individual requests an accommodation under  
24 this section, the telecommunications service provider shall  
25 provide, at no additional charge to the individual, a new  
26 telephone number within 24 hours from the time the request is  
27 made.

28 (b) Deadline for providing documents.--A document provided  
29 to a telecommunications service provider by an individual  
30 seeking to opt out of a telephone plan contract in accordance

1 with subsection (a) must be:

2 (1) submitted to the telecommunications service provider  
3 at the time the request to opt out is made;

4 (2) issued no more than six months before the opt-out  
5 request.

6 (c) Retention and confidentiality of documents.--

7 (1) A telecommunications service provider that receives  
8 a written request accompanied by the necessary documentation  
9 to opt out of a telephone plan contract in accordance with  
10 this section may retain the documentation or return it to the  
11 individual seeking to opt out.

12 (2) Documentation provided to a telecommunications  
13 service provider by a victim of domestic violence shall be  
14 considered confidential communications and, if retained by  
15 the telecommunications service provider, shall be subject to  
16 the confidentiality requirements under Federal or State law.

17 (d) Applicability.--This section shall apply to telephone  
18 plan contracts entered into on or after the effective date of  
19 this section.

20 (e) Definitions.--For the purposes of this section, the  
21 terms "telecommunications service provider" and "telephone plan  
22 contract" shall have the meanings given to them in section  
23 6108(j)(3) (relating to relief).

24 Section 3. This act shall take effect as follows:

25 (1) The addition of 23 Pa.C.S. § 6108(j) shall take  
26 effect immediately.

27 (2) This section shall take effect immediately.

28 (3) The remainder of this act shall take effect in 60  
29 days.