

BUSINESS AND COMMERCE CODE

TITLE 12. RIGHTS AND DUTIES OF CONSUMERS AND MERCHANTS

Chapter 608, consisting of Secs. 608.001, was added by Acts 2021, 87th Leg., R.S., Ch. 245 (H.B. 1372), Sec. 2.

For another Chapter 608, consisting of Secs. 608.001 to 608.002, added by Acts 2021, 87th Leg., R.S., Ch. 815 (H.B. 2110), Sec. 1, see Sec. 608.001 et seq., post.

CHAPTER 608. SEPARATION OF WIRELESS TELEPHONE SERVICE ACCOUNTS

Sec. 608.001. SEPARATION BY COURT ORDER. (a) On receipt of a court order issued under Section 85.0225, Family Code, a wireless telephone service provider shall transfer to the petitioner named in the order the use of each wireless telephone number listed in the order.

(b) A wireless telephone service provider is not required to complete the transfer described by Subsection (a) if, as soon as practicable but not later than the fifth business day after the date the provider receives the court order, the provider notifies the petitioner that:

(1) the wireless telephone service account holder named in the order has terminated the account;

(2) a difference in network technology would prevent or impair the functionality of a device on a network if the transfer occurs;

(3) the transfer would cause a geographic or other limitation on the network or service provision to the petitioner; or

(4) another technological or operational issue would prevent or impair the use of the wireless telephone number if the transfer occurs.

(c) A wireless telephone service provider may charge the petitioner routine and customary fees and impose routine and customary requirements for establishing a wireless telephone service account, including requiring the petitioner to provide proof of identification, financial information, and customer references.

(d) In imposing and collecting fees under Subsection (c),

the wireless telephone service provider may not:

(1) impose a penalty for early termination of a contract in connection with separating a wireless telephone service account under this section;

(2) hold the petitioner responsible for any outstanding balance of the respondent's wireless telephone service account or require payment of the outstanding balance as a condition of separating a wireless telephone service account under this section; or

(3) charge a fee for transferring the wireless telephone number in addition to the usual and customary fees for establishing a wireless telephone service account.

(e) If further action is required by the petitioner to complete the transfer process, the wireless telephone service provider shall make a description of the necessary procedures available in writing.

(f) A wireless telephone service provider or an officer, employee, or agent of the provider is not subject to civil liability for actions taken under this section as required by a court order rendered under Section [85.0225](#), Family Code.

Added by Acts 2021, 87th Leg., R.S., Ch. 245 (H.B. [1372](#)), Sec. 2, eff. September 1, 2021.