

§2158. Access to wireless service provider's records of individuals who owe child support

1. Definitions. For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Account holder" means an individual who has executed an agreement with a wireless service provider for cellular telephone service. [PL 2005, c. 566, §1 (NEW).]

B. "Match" means an automated comparison by name, date of birth and social security number of a list of obligors provided to a wireless service provider by the department with a list of account holders of the wireless service provider for the purpose of providing the department with a list of addresses of account holders delinquent in support allowing the department to locate and enforce support obligations. [PL 2005, c. 566, §1 (NEW).]

C. "Obligor" means a person who owes a child support obligation. [PL 2005, c. 566, §1 (NEW).]

D. "Wireless service provider" means an entity that provides cellular telephone service. [PL 2005, c. 566, §1 (NEW).]

[PL 2005, c. 566, §1 (NEW).]

2. Match. Upon request from the department to a wireless service provider conducting business in this State, the wireless service provider shall perform a match using the list of obligors' names provided by the department. The department may not request a wireless service provider to perform a match under this section more often than once every calendar quarter.

[PL 2005, c. 566, §1 (NEW).]

3. Compilation of match list. After completing a match under subsection 2, a wireless service provider shall compile for the department a list of those account holders whose names match names on the list of obligors provided by the department. The list must contain the following information, if available to the wireless service provider through its matching procedure, for each account holder identified:

A. The account holder's full name; [PL 2005, c. 566, §1 (NEW).]

B. The account holder's date of birth; [PL 2005, c. 566, §1 (NEW).]

C. The account holder's social security number; [PL 2005, c. 566, §1 (NEW).]

D. The account holder's address; and [PL 2005, c. 566, §1 (NEW).]

E. The account holder's employer. [PL 2005, c. 566, §1 (NEW).]

[PL 2005, c. 566, §1 (NEW).]

4. Notice to department. A wireless service provider that has compiled a match list under subsection 3 shall send the list to the department at the address designated by the department.

[PL 2005, c. 566, §1 (NEW).]

5. Reasonable fee. To cover the costs of carrying out the requirements of this section, a wireless service provider may assess a reasonable fee to the department not to exceed the actual costs incurred by the wireless service provider.

[PL 2005, c. 566, §1 (NEW).]

6. Confidentiality. A list of obligors provided by the department to a wireless service provider under subsection 2 is confidential. The information may be used only for the purpose of carrying out the requirements of this section. Knowing or intentional use of the information, without authorization from the department, is a civil violation for which a fine not to exceed \$1,000 may be adjudged.

[PL 2005, c. 566, §1 (NEW).]

7. Immunity from liability; hold harmless. A wireless service provider is immune from any liability for its good faith actions to comply with this section. The department shall defend and hold

harmless, including compensation for attorney's fees, a wireless service provider that acts in good faith to carry out the requirements of this section.

[PL 2005, c. 566, §1 (NEW).]

8. Rulemaking. The department shall adopt rules to carry out this section. Rules adopted under this subsection are routine technical rules as provided in Title 5, chapter 375, subchapter 2-A.

[PL 2005, c. 566, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 566, §1 (NEW).

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