

SUBSTITUTE FOR
SENATE BILL NO. 1201

A bill to allow certain active duty service members to terminate contracts with wireless telecommunications providers; to provide for the rights and responsibilities of the parties to those terminated contracts; to provide for the powers and duties of certain state officials; to prescribe civil sanctions and provide remedies; and to provide for the disposition of civil fines.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "military personnel wireless contract act".

3 Sec. 2. As used in this act:

4 (a) "Active duty" means active duty pursuant to an executive
5 order of the president of the United States, an act of congress, or
6 an order of the governor.

1 (b) "Armed forces" means that term as defined in section 2 of
2 the veteran right to employment services act, 1994 PA 39, MCL
3 35.1092.

4 (c) "Michigan national guard" means that term as defined in
5 section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

6 (d) "Service member" means a member of the armed forces, a
7 reserve branch of the armed forces, or the Michigan national guard.

8 Sec. 3. If a service member is transferred, or deployed
9 overseas, on active duty for a period of 180 days or more, to an
10 area where the service member's existing wireless telecommunication
11 provider does not offer facilities-based wireless service, the
12 service member, or the spouse of a service member acting on behalf
13 of that service member if he or she is authorized by the service
14 member to make changes to the account, may terminate any contract
15 with the wireless telecommunications provider that meets all of the
16 following requirements:

17 (a) The service member is a party to the contract.

18 (b) The contract is entered into on or after the effective
19 date of this act.

20 (c) The contract is executed before the service member is
21 transferred, or deployed overseas, on active duty.

22 Sec. 4. A termination of a contract with a wireless
23 telecommunications provider under section 3 is effective on the
24 date all of the following are met:

25 (a) The service member who is transferred, or deployed
26 overseas, on active duty, or the service member's spouse, provides
27 the lessor by certified mail, return receipt requested, a written

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1 notice of the service member's intention to terminate the contract,
2 a copy of the military or gubernatorial orders transferring the
3 service member or calling the service member to active duty, and a
4 copy of any orders further extending the service member's period of
5 active duty.

6 (b) Any wireless telecommunications equipment not owned by the
7 service member acquired from the wireless communications provider
8 is returned to the custody or control of the wireless
9 telecommunications provider within 30 days after the delivery of
10 the written notice under subdivision (a).

11 Sec. 5. (1) If a contract with a wireless telecommunications
12 provider is terminated under this act, the service member remains
13 responsible for any use charges incurred before termination.

14 (2) If a contract with a wireless telecommunications provider
15 is terminated under this act, the wireless telecommunications
16 provider may not impose an early termination charge for that
17 termination.

18 Sec. 6. In addition to any other penalty that may be provided
19 by law, the attorney general may file a civil action in which the
20 court may impose on a wireless telecommunications provider that
21 violates this act a civil fine of not more than \$2,000.00 for each
22 violation. Money recovered under this section shall be forwarded to
23 the state treasurer for deposit into the military family relief
24 fund created in section 3 of the military family relief fund act,
25 2004 PA 363, MCL 35.1213.

<<Sec. 7. This act does not apply to prepaid wireless
telecommunication services.>>