

SENATE BILL No. 1201

March 11, 2008, Introduced by Senators GARCIA, CROPSEY, RICHARDVILLE, OLSHOVE, VAN WOERKOM, PRUSI, BIRKHOLZ, PAPPAGEORGE, KAHN, BROWN, JANSEN and ANDERSON and referred to the Committee on Senior Citizens and Veterans Affairs.

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

1 an order of the governor.

2 (b) "Armed forces" means that term as defined in section 2 of
3 the veteran right to employment services act, 1994 PA 39, MCL
4 35.1092.

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

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

9 Sec. 3. A service member who is deployed on active duty for a
10 period of 180 days or more, or the spouse of a service member
11 acting on behalf of that service member, may terminate any contract
12 with a wireless telecommunications provider that meets all of the
13 following requirements:

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

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

17 (c) The contract is executed before the service member is
18 deployed on active duty.

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

22 (a) The service member who is deployed on active duty, or the
23 service member's spouse, provides the lessor by certified mail,
24 return receipt requested, a written notice of the service member's
25 intention to terminate the contract, a copy of the military or
26 gubernatorial orders calling the service member to active duty, and
27 a copy of any orders further extending the service member's period

1 of active duty.

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

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

10 (2) If a contract with a wireless telecommunications provider
11 is terminated under this act, the wireless telecommunications
12 provider may not impose an early termination charge for that
13 termination.

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