

HOUSE BILL No. 5102

June 16, 2009, Introduced by Reps. LeBlanc, Meadows, Sheltroun, Polidori and Melton and referred to the Committee on Military and Veterans Affairs and Homeland Security.

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.

7 (b) "Armed forces" means that term as defined in section 2 of

1 the veteran right to employment services act, 1994 PA 39, MCL
2 35.1092.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 Sec. 7. This act does not apply to prepaid wireless
26 telecommunication services.