

# SENATE BILL No. 371

March 12, 2009, Introduced by Senators GARCIA, ANDERSON, GLEASON, JELINEK, CROPSEY, PAPPAGEORGE, KUIPERS and BIRKHOLZ 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

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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. If a service member is transferred, or deployed  
10 overseas, on active duty for a period of [179] days or more, to an  
11 area where the service member's existing wireless telecommunication  
12 provider does not offer facilities-based wireless service, the  
13 service member, or the spouse of a service member acting on behalf  
14 of that service member if he or she is authorized by the service  
15 member to make changes to the account, may terminate any contract  
16 with the wireless telecommunications provider that meets all of the  
17 following requirements:

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

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

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

23 (d) The wireless telecommunication service provided under the  
24 contract is not wireless telecommunication service to a wireless  
25 telephone or other telecommunication device installed in a motor  
26 vehicle.

27 Sec. 4. A termination of a contract with a wireless

1 telecommunications provider under section 3 is effective on the  
2 date all of the following are met:

3 (a) The service member who is transferred, or deployed  
4 overseas, on active duty, or the service member's spouse, provides  
5 the lessor by certified mail, return receipt requested, a written  
6 notice of the service member's intention to terminate the contract,  
7 a copy of the military or gubernatorial orders transferring the  
8 service member or calling the service member to active duty, and a  
9 copy of any orders further extending the service member's period of  
10 active duty.

11 (b) Any wireless telecommunications equipment not owned by the  
12 service member acquired from the wireless communications provider  
13 is returned to the custody or control of the wireless  
14 telecommunications provider within 30 days after the delivery of  
15 the written notice under subdivision (a).

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

19 (2) If a contract with a wireless telecommunications provider  
20 is terminated under this act, the wireless telecommunications  
21 provider may not impose an early termination charge for that  
22 termination.

23 Sec. 6. In addition to any other penalty that may be provided  
24 by law, the attorney general may file a civil action in which the  
25 court may impose on a wireless telecommunications provider that  
26 violates this act a civil fine of not more than \$2,000.00 for each  
27 violation. Money recovered under this section shall be forwarded to

1 the state treasurer for deposit into the military family relief  
2 fund created in section 3 of the military family relief fund act,  
3 2004 PA 363, MCL 35.1213.

4       Sec. 7. This act does not apply to prepaid wireless  
5 telecommunication services.