

SENATE BILL No. 819

October 4, 2007, Introduced by Senators GARCIA, ALLEN, PRUSI, KAHN, PAPPAGEORGE, ANDERSON, CROPSEY, BIRKHOLZ, RICHARDVILLE and JANSEN and referred to the Committee on Senior Citizens and Veterans Affairs.

A bill to amend 1991 PA 179, entitled
"Michigan telecommunications act,"
(MCL 484.2101 to 484.2604) by adding section 304b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 304B. (1) A SERVICE MEMBER WHO IS DEPLOYED ON ACTIVE DUTY**
2 **FOR A PERIOD OF 180 DAYS OR MORE, OR THE SPOUSE OF THAT SERVICE**
3 **MEMBER, MAY TERMINATE ANY CONTRACT WITH A WIRELESS**
4 **TELECOMMUNICATIONS PROVIDER THAT MEETS BOTH OF THE FOLLOWING**
5 **REQUIREMENTS:**

6 **(A) THE CONTRACT IS ENTERED INTO ON OR AFTER THE EFFECTIVE**
7 **DATE OF THIS ACT.**

8 **(B) THE CONTRACT IS EXECUTED BY OR ON BEHALF OF THE SERVICE**
9 **MEMBER.**

1 (2) A TERMINATION OF A CONTRACT UNDER SUBSECTION (1) IS
2 EFFECTIVE ON THE DATE ALL OF THE FOLLOWING ARE MET:

3 (A) THE SERVICE MEMBER WHO IS DEPLOYED ON ACTIVE DUTY, OR THE
4 SERVICE MEMBER'S SPOUSE, PROVIDES THE WIRELESS TELECOMMUNICATIONS
5 PROVIDER 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 CALLING THE SERVICE
8 MEMBER TO ACTIVE DUTY, AND A COPY OF ANY ORDERS FURTHER EXTENDING
9 THE SERVICE MEMBER'S PERIOD OF ACTIVE DUTY.

10 (B) ANY WIRELESS TELECOMMUNICATIONS EQUIPMENT NOT OWNED BY THE
11 SERVICE MEMBER ACQUIRED FROM THE WIRELESS COMMUNICATIONS PROVIDER
12 IS RETURNED TO THE CUSTODY OR CONTROL OF THE WIRELESS
13 TELECOMMUNICATIONS PROVIDER WITHIN 30 DAYS AFTER THE DELIVERY OF
14 THE WRITTEN NOTICE UNDER SUBDIVISION (A).

15 (3) IF A CONTRACT IS TERMINATED UNDER THIS SECTION, THE
16 SERVICE MEMBER REMAINS RESPONSIBLE FOR ANY USE CHARGES INCURRED
17 BEFORE TERMINATION. IF A CONTRACT IS TERMINATED UNDER THIS SECTION,
18 THE WIRELESS TELECOMMUNICATIONS PROVIDER MAY NOT IMPOSE AN EARLY
19 TERMINATION CHARGE FOR THAT TERMINATION.

20 (4) IN ADDITION TO ANY OTHER PENALTY THAT MAY BE PROVIDED BY
21 LAW, THE ATTORNEY GENERAL MAY FILE A CIVIL ACTION IN WHICH THE
22 COURT MAY IMPOSE ON A WIRELESS TELECOMMUNICATIONS PROVIDER THAT
23 VIOLATES THIS SECTION A CIVIL FINE OF NOT MORE THAN \$2,000.00 FOR
24 EACH VIOLATION. MONEY RECOVERED UNDER THIS SUBSECTION SHALL BE
25 FORWARDED TO THE STATE TREASURER FOR DEPOSIT INTO THE MILITARY
26 FAMILY RELIEF FUND CREATED IN SECTION 3 OF THE MILITARY FAMILY
27 RELIEF FUND ACT, 2004 PA 363, MCL 35.1213.

1 (5) AS USED IN THIS SECTION:

2 (A) "ACTIVE DUTY" MEANS ACTIVE DUTY PURSUANT TO AN EXECUTIVE
3 ORDER OF THE PRESIDENT OF THE UNITED STATES, AN ACT OF CONGRESS, OR
4 AN ORDER OF THE GOVERNOR.

5 (B) "ARMED FORCES" MEANS THAT TERM AS DEFINED IN SECTION 2 OF
6 THE VETERAN RIGHT TO EMPLOYMENT SERVICES ACT, 1994 PA 39, MCL
7 35.1092.

8 (C) "MICHIGAN NATIONAL GUARD" MEANS THAT TERM AS DEFINED IN
9 SECTION 105 OF THE MICHIGAN MILITARY ACT, 1967 PA 150, MCL 32.505.

10 (D) "SERVICE MEMBER" MEANS A MEMBER OF THE ARMED FORCES, A
11 RESERVE BRANCH OF THE ARMED FORCES, OR THE MICHIGAN NATIONAL GUARD.