MILITARY PERSONNEL WIRELESS CONTRACT ACT
Act 218 of 2010

AN ACT 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.

History: 2010, Act 218, Imd. Eff. Dec. 9, 2010.

The People of the State of Michigan enact:

484.1901 Short title.

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

History: 2010, Act 218, Imd. Eff. Dec. 9, 2010.

484.1902 Definitions.

Sec. 2. As used in this act:

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

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

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

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

History: 2010, Act 218, Imd. Eff. Dec. 9, 2010.

484.1903 Contract with wireless telecommunications provider; termination; requirements.

Sec. 3. If a service member is transferred, or deployed overseas, on active duty for a period of 179 days or more, to an area where the service member's existing wireless telecommunications provider does not offer facilities-based wireless service, the service member, or the spouse of a service member acting on behalf of that service member if he or she is authorized by the service member to make changes to the account, may terminate any contract with the wireless telecommunications provider that meets all of the following requirements:

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

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

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

(d) The wireless telecommunications service provided under the contract is not wireless telecommunications service to a wireless telephone or other telecommunications device installed in a motor vehicle.

History: 2010, Act 218, Imd. Eff. Dec. 9, 2010.

484.1904 Termination of contract; effective date; conditions.

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

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

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

History: 2010, Act 218, Imd. Eff. Dec. 9, 2010.

484.1905 Charges incurred before termination; early termination charge.

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

(2) If a contract with a wireless telecommunications provider is terminated under this act, the wireless

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telecommunications provider may not impose an early termination charge for that termination.

History: 2010, Act 218, Imd. Eff. Dec. 9, 2010.

484.1906 Violation of act; filing of civil action by attorney general; disposition of recovered money.

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

History: 2010, Act 218, Imd. Eff. Dec. 9, 2010.

484.1907 Act inapplicable to prepaid wireless telecommunications services.

Sec. 7. This act does not apply to prepaid wireless telecommunications services.

History: 2010, Act 218, Imd. Eff. Dec. 9, 2010.

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