

110TH CONGRESS
1ST SESSION

H. R. 3786

To amend the Servicemembers Civil Relief Act to allow individuals called to military service to terminate telecommunications contracts entered into before the individual receives notice of a permanent change of station or deployment orders.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 2007

Ms. ZOE LOFGREN of California (for herself, Mr. FRANK of Massachusetts, Mr. BERRY, Mr. GORDON of Tennessee, Mr. SPRATT, and Mr. BRADY of Pennsylvania) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend the Servicemembers Civil Relief Act to allow individuals called to military service to terminate telecommunications contracts entered into before the individual receives notice of a permanent change of station or deployment orders.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Servicemembers
5 Telecom Contract Relief Act”.

1 **SEC. 2. TERMINATION BY SERVICEMEMBERS OF TELE-**
2 **COMMUNICATIONS CONTRACTS ENTERED**
3 **INTO BEFORE PERMANENT CHANGE OF STA-**
4 **TION OF DEPLOYMENT ORDERS.**

5 (a) **TERMINATION.**—Title III of the Servicemembers
6 Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended
7 by adding at the end the following new section:

8 **“SEC. 309. TERMINATION OF TELECOMMUNICATIONS CON-**
9 **TRACTS.**

10 “(a) **TERMINATION BY SERVICEMEMBER.**—A person
11 in military service who is party to a contract described
12 in subsection (b) may, at the person’s option, terminate
13 the contract at any time after—

14 “(1) the date of the entry of the person into
15 military service; or

16 “(2) the date of the military orders of the per-
17 son described in subsection (b)(2), as the case may
18 be.

19 “(b) **COVERED CONTRACTS.**—This section applies to
20 a telecommunications contract for cellular phone service,
21 cable or satellite television service, or internet service if—

22 “(1) the contract is executed by or on behalf of
23 a person who thereafter and during the term of the
24 contract enters military service (or receives order to
25 enter military service) under a call or order speci-
26 fying a period of not less than 90 days (or who en-

1 ters military service under a call or order specifying
2 a period of 90 days or less and who, without a break
3 in service, receives orders extending the period of
4 military service to a period of not less than 90
5 days); or

6 “(2) the person enters into the contract while
7 in military service and thereafter receives military
8 orders for a permanent change of station outside of
9 the continental United States, or to deploy with a
10 military unit for a period of not less than 90 days,
11 to a location that does not support continuation of
12 the service under the contract.

13 “(c) MANNER OF TERMINATION.—

14 “(1) IN GENERAL.—Termination of a contract
15 under subsection (a) is made by delivery by the per-
16 son in military service of written notice of such ter-
17 mination, and a copy of the servicemember’s military
18 orders, to the other party to the contract (or to that
19 person’s grantee or agent).

20 “(2) NATURE OF NOTICE.—Delivery of notice
21 under paragraph (1) may be accomplished—

22 “(A) by hand delivery;

23 “(B) by private business carrier; or

24 “(C) by placing the written notice in an
25 envelope with sufficient postage and with return

1 receipt requested, and addressed as designated
2 by the party to be notified (or that party's
3 grantee or agent), and depositing the written
4 notice in the United States mails.

5 “(d) DATE OF CONTRACT TERMINATION.—Termi-
6 nation of a contract under subsection (a) is effective on
7 the day on which the notice is delivered in accordance with
8 subsection (c).

9 “(e) ARREARAGES AND OTHER OBLIGATIONS AND
10 LIABILITIES.—Contract amounts unpaid for the period
11 preceding the effective date of the contract termination
12 shall be paid on a prorated basis.

13 “(f) RELIEF TO OTHER PARTY.—Upon application
14 by the other party to the contract to a court before the
15 termination date provided in the written notice, relief
16 granted by this section to a person in military service may
17 be modified as justice and equity require.

18 “(g) PENALTIES.—

19 “(1) MISDEMEANOR.—Any person who know-
20 ingly seizes, holds, or detains the personal effects,
21 security deposit, or other property of a person in
22 military service (or of a dependent of a person in
23 military service) who lawfully terminates a contract
24 covered by this section, or who knowingly interferes
25 with the removal of such property from premises

1 covered by such contract, for the purpose of sub-
2 jecting or attempting to subject any of such property
3 to a claim for contract payments accruing subse-
4 quent to the date of termination of such lease, or at-
5 tempts to do so, shall be fined as provided in title
6 18, United States Code, or imprisoned for not more
7 than one year, or both.

8 “(2) PRESERVATION.—The remedy and rights
9 provided under this section are in addition to and do
10 not preclude any remedy for wrongful conversion
11 otherwise available under law to the person claiming
12 relief under this section, including any award for
13 consequential or punitive damages.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 in section 1(b) of such Act is amended by inserting after
16 the item relating to section 308 the following new item:

“Sec. 309. Termination of telecommunications contracts.”.

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