



2005 ASSEMBLY BILL 1174

April 7, 2006 – Introduced by Representatives GUNDRUM, MUSSER, SEIDEL, SUDER, BOYLE, NASS, VAN AKKEREN, PETROWSKI, KESTELL, LEHMAN, HUNDERTMARK, OTT, PETTIS, JESKEWITZ, M. WILLIAMS and MCCORMICK, cosponsored by Senators DECKER, CARPENTER and TAYLOR. Referred to Committee on Military Affairs.

- 1 **AN ACT to create** 21.74 (9) of the statutes; **relating to:** termination of mobile
2 telephone contracts by members of the military.

Analysis by the Legislative Reference Bureau

Under current federal law, if a person called into active service has a lease for a premises or for a motor vehicle, that person may terminate the lease by giving notice of the termination to the lessor. If the lease is for a motor vehicle, the person must return the motor vehicle at the time of giving the notice of termination of the lease. The termination is effective 30 days after the first date on which the next rental payment is due after the delivery of the notice of termination. Current federal law requires the lessor to refund any amount paid in advance that covers a period after the effective date of the termination and allows the lessor to apply to a court before the termination date for a modification of the termination if the court determines that justice and equity require such a modification.

This bill creates similar provisions in state law for contracts for mobile telephone service. Under the bill, if the contract was entered into before the person entered active military service and is for a period of more than one month, the person may terminate the contract without any penalties or additional fees by giving notice in writing to the mobile telephone provider. The termination is effective 30 days after the first date on which the next contract payment is due after the delivery of the notice of termination. The lessor is required to refund any amount paid in advance that covers a period after the effective date of the termination. The bill allows the lessor to apply to a court before the termination date for any modification or

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restriction of the termination that the court determines is appropriate under the circumstances.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 21.74 (9) of the statutes is created to read:

2 21.74 **(9)** (a) In this subsection:

3 1. "Commercial mobile service" has the meaning given in 47 USC 332 (d).

4 2. "Contract" means an agreement between a person in military service and a
5 mobile telephone service provider that requires the person in military service to pay
6 the mobile telephone service provider a monthly fee in exchange for the use of a
7 mobile telephone.

8 3. "Mobile telephone service provider" means a person that is authorized by the
9 federal communications commission to provide commercial mobile service.

10 (b) This subsection applies to a contract to which all of the following apply:

11 1. The contract was executed by or on behalf of a person in military service who
12 entered active military duty after the contract was executed.

13 2. The contract covers a period in excess of one month

14 (c) A contract to which this subsection applies may be terminated without any
15 penalties or additional fees by the person in military service at any time after the
16 beginning of the service member's period of active duty by giving notice in writing
17 by first class mail to the mobile telephone service provider.

18 (d) Termination shall be effective 30 days after the first date on which the next
19 payment is due and payable after the date on which the notice is mailed.

