

ASSEMBLY BILL 1174 (LRB -4832)

An Act to create 21.74 (9) of the statutes; relating to: termination of mobile telephone contracts by members of the military.
2006

04-07.	A.	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 .	
04-07.	A.	Read first time and referred to committee on Military Affairs	1005
04-11.	A.	Assembly amendment 1 offered by Representative Gundrum (LRB a2904)	1010
04-12.	A.	Public hearing held.	
04-12.	A.	Executive action taken.	
04-18.	A.	Report Assembly Amendment 1 adoption recommended by committee on Military Affairs, Ayes 6, Noes 0	1015
04-18.	A.	Report passage as amended recommended by committee on Military Affairs, Ayes 6, Noes 0	1015
04-18.	A.	Referred to committee on Rules	1015
04-19.	A.	Placed on calendar 4-25-2006 by committee on Rules.	
04-21.	A.	Assembly amendment 2 offered by Representative Musser (LRB a2938)	1024
04-25.	A.	Placed at the foot of the calendar	1039
04-25.	A.	Read a second time	1040
04-25.	A.	Assembly amendment 1 withdrawn and returned to author	1040
04-25.	A.	Assembly amendment 2 withdrawn and returned to author	1040
04-25.	A.	Assembly amendment 3 offered by Representative Gundrum (LRB a2987)	1040
04-25.	A.	Assembly amendment 3 adopted	1040
04-25.	A.	Ordered to a third reading	1040
04-25.	A.	Rules suspended	1040
04-25.	A.	Read a third time and passed , Ayes 93, Noes 0	1040
04-25.	A.	Ordered immediately messaged	1040
04-26.	S.	Received from Assembly.	
04-26.	S.	Read first time and referred to committee on Senate Organization.	
04-26.	S.	Available for scheduling.	
04-26.	S.	Placed on calendar 4-27-2006 by committee on Senate Organization.	
04-27.	S.	Read a second time.	
04-27.	S.	Ordered to a third reading.	
04-27.	S.	Rules suspended.	
04-27.	S.	Read a third time and concurrred in .	
04-27.	S.	Ordered immediately messaged.	
04-27.	A.	Received from Senate concurrred in.	

MB

2005
ENROLLED BILL

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ADOPTED DOCUMENTS:

Orig Engr SubAmdt

05-48321/1

Amendments to above (if none, write "NONE"): AA3 - a 2987/1

Corrections - show date (if none, write "NONE"): None

Topic Rel as amended

5-2-06 JR Miller
Date Enrolling Drafter

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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.

INSERT AA 3-1

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.~~

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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.

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1 (e) Any amount paid in advance under the contract for a period after the
2 effective date of the termination of the contract shall be refunded to the lessee by the
3 lessor within 30 days after the effective date of the termination of the contract.

4 (f) Upon application of a mobile telephone service provider after receiving
5 notice under this subsection and before the contract termination date provided for
6 under par. (d), a court may make such modifications to or restrictions on the relief
7 granted in this subsection as the court determines are appropriate under the
8 circumstances.

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(END)

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**ASSEMBLY AMENDMENT 3,
TO 2005 ASSEMBLY BILL 1174**

April 25, 2006 - Offered by Representative GUNDRUM.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 1: before "termination" insert "suspension or".

3 **2.** Page 2, line 14: delete lines 14 to 17 and substitute:

4 "(c) A person in military service may suspend or terminate a contract to which
5 this subsection applies without any penalties or additional fees at any time after the
6 service member has been issued orders into active duty by giving written notice to
7 the mobile telephone service provider. The service member shall include a copy of
8 the orders into active duty as part of the notice. The notice may be given by 1st class
9 mail to the address provided in the agreement with the mobile telephone service
10 provider or provided in the mobile telephone service provider's billing statement or
11 by delivering the notice to the mobile telephone service provider's branch office."

12 **3.** Page 2, line 18: delete "Termination" and substitute "Suspension or
13 termination".

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AA 3-3

