

2005 DRAFTING REQUEST

Bill

Received: **03/15/2006**

Received By: **rnelson2**

Wanted: **Soon**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Military Affairs - nat'l guard**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gundrum@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

National guard members leases involving cell phones

Instructions:

Give them the same right to release of a cell phone lease as other leases

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	rnelson2 03/16/2006	kfollett 03/28/2006	rschluet 03/28/2006	_____	lnorthro 03/28/2006		
/1	rnelson2 04/04/2006	kfollett 04/04/2006	jfrantze 04/04/2006	_____	lnorthro 04/04/2006	lnorthro 04/07/2006	

FE Sent For:

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1/1 kf
4/4
Self
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Topic:

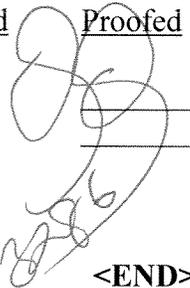
National guard members Leases involving cell phones

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/?	rnelson2	1/Plkf 3/28					
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FE Sent For:

<END>

Nelson, Robert P.

From: michael.gould1@us.army.mil
Sent: Friday, March 10, 2006 11:20 AM
To: mark.gundrum@us.army.mil
Subject: Legislation Proposal

Representative Gundrum,

There is a big hole in the Servicemembers Civil Relief Act (SCRA). When they passed the new act, they left out a provision that would allow mobilized soldiers to get out of cell phone contracts without paying a cancellation fee. Although some companies are willing to forego the fee, I have been trying to help a number of soldiers who are being hassled by cell phone companies. Unfortunately, the law doesn't protect them.

Some states have passed legislation that protect soldiers:

Georgia permis a service member to terminate a cell phone contract with 30 days notice to the provider if he or she receives permanent change of station orders (or temporary orders for over 60 days), or is discharged from active duty, to a location outside the provider's service area or outside the continental United States. Official Code of Georgia Annotated, Section 46-5-8.

Ohio has a similar provision enacted under the Ohio Patriot plan. Ohio Rev. Code sec. 1342.031.

Arkansas had a similar proposal to amend their statute last year. I don't know if it was enacted or not. (Arkansas Code 12-62-804).

<http://www.arkleg.state.ar.us/ftproot/bills/2005/public/HB2750.pdf>

That is the limit of my cursory research. There may be other states as well.

You may already be considering similar legislation, but if not, it would be a good idea. This is a recurring problem for soldiers.

Michael Gould
CPT, JA, USAR

Legal Assistance Office
106 Headquarters Road
Ft. McCoy, WI 54656
608-388-5421



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4832/P1
RPN: [signature]

TODAY - 2:00 PM
per requester

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: termination of mobile telephone contracts by members
2 of the military.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

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

4 21.74 (9) (a) In this subsection:

- 5 1. "Commercial mobile service" has the meaning given in 47 USC 332 (d).
- 6 2. "Contract" means an agreement between a person in military service and a
- 7 mobile telephone service provider that requires the person in military service to pay
- 8 the mobile telephone service provider a monthly fee in exchange for the use of a
- 9 mobile telephone.

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

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

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

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

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

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

11 (e) Upon application of a mobile telephone service provider after receiving
12 notice under this subsection and before the contract termination date provided for
13 under par. (d), a court may make such modifications to or restrictions on the relief
14 granted in this subsection as the court determines are appropriate under the
15 circumstances.

16 (END)

*law clerk
look for
this*

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4832/P1dn
RPN:...

gf

Date

Please review this draft carefully to ensure that it is consistent with your intent.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4832/P1dn
RPN:kjf:rs

March 28, 2006

Please review this draft carefully to ensure that it is consistent with your intent.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4832/BI

RPN:kjfrs

wanted 4/9 ya

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

CPS:
Fix
request
sheet pls

2005 Bill

Regen

1 AN ACT to create 21.74 (9) of the statutes; relating to: termination of mobile
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insert
and →

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11 ^{insert}
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16 (END)

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4832/lins
RPN:kjf.rs

1 insert 2-10:

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

5

6 insert anl:

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

X

e i s

Northrop, Lori

From: Usealman, Kevin
Sent: Friday, April 07, 2006 10:48 AM
To: LRB.Legal
Subject: lrb 4832

Can you please jacket lrb 4832 and send it over as soon as possible?

Thanks!

Kevin Usealman
Communications and Policy Director
State Representative Mark Gundrum's Office
o: (608) 267-5158
c: (608) 215-0776