## 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:

3

4

5

6

7

8

9

10

11

12

13

- 2 **1.** Page 1, line 1: before "termination" insert "suspension or".
  - **2.** Page 2, line 14: delete lines 14 to 17 and substitute:
  - "(c) A person in military service may suspend or terminate a contract to which this subsection applies without any penalties or additional fees at any time after the service member has been issued orders into active duty by giving written notice to the mobile telephone service provider. The service member shall include a copy of the orders into active duty as part of the notice. The notice may be given by 1st class mail to the address provided in the agreement with the mobile telephone service provider or provided in the mobile telephone service provider's billing statement or by delivering the notice to the mobile telephone service provider's branch office.".
  - **3.** Page 2, line 18: delete "Termination" and substitute "Suspension or termination".

2

3

4

5

6

7

8

9

- **4.** Page 3, line 2: on lines 2 and 3, after "date of the" insert "suspension or".
  - **5.** Page 3, line 5: after "contract" insert "suspension or".
    - **6.** Page 3, line 8: after that line insert:

"(g) If a mobile telephone service provider assesses a person in military service any penalty or fee after the person has suspended or terminated the contract under par. (c) or fails to make any refund required under par. (e), the service member shall have the right to bring an action for damages. If the service member prevails in an action brought under this paragraph, the court shall order the mobile telephone service provider to pay the service member exemplary damages of \$2,000.".

10 (END)