



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 473
[2005 Assembly Bill 1174]

**Suspension or Termination of
Mobile Phone Contracts by
Members of the Military**

2005 Wisconsin Act 473 permits a person in military service who is called to active duty to suspend or terminate a mobile telephone contract if the person entered into the contract prior to entering active military duty and the contract is for more than one month. The service member may request suspension or termination of the phone contract upon receipt of active duty orders by giving written notice to the mobile telephone service provider ("provider") and attaching a copy of the active duty orders as part of the notice. The notice may be given by 1st class mail to the address provided in either the agreement with the provider or the billing statement, or by delivering the notice to the provider's branch office.

The termination takes effect 30 days after the date on which the next payment is due, after the notice is mailed. The provider must refund any amount paid in advance under the contract for a period after the effective date of the suspension or termination of the contract within 30 days after the effective date of the suspension or termination. After receiving the suspension or termination notice and before the suspension or termination date is reached, the provider may apply to a court for any modification or restriction of that suspension or termination that the court feels is appropriate. The court may make such modifications to or restrictions on the relief granted as the court determines are appropriate under the circumstances.

If the provider assesses a person in military service any penalty or fee after the person has suspended or terminated the contract or fails to make any refund required, the service member has the right to bring a court action for damages. If the service member prevails in such an action, the court must order the provider to pay the service member exemplary damages of \$2,000.

Effective Date: The Act takes effect on June 13, 2006.

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PS:tlu

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.