



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 1174

**Assembly
Amendment 3**

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Assembly Bill 1174 permits a person in military service to terminate a mobile telephone contract if the person entered into the contract prior to entering active military service and the contract is for more than one month. The contract may be terminated without any penalties or additional fees after the service member's period of active duty begins by giving notice in writing by first class mail to the mobile telephone service provider ("provider"). 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 termination. After receiving notice and before the termination date, the provider can apply to a court for any modification or restriction of the termination that the court feels is appropriate.

Assembly Amendment 3 does the following:

1. Permits the service member to suspend, as well as terminate, a mobile phone contract.
2. Allows the service member to request suspension or termination of the contract upon receipt of active duty orders, rather than having to wait until active duty begins.
3. Requires the service member to include a copy of the orders into active duty as part of the written notice that must be given to the provider.
4. Provides that the written notice may be given by first class mail to the address provided either in the mobile telephone service agreement or in the billing statement or by delivering the notice to the provider's branch office.
5. Entitles the service member to bring an action for damages if the provider either assesses any penalty or fee, after the service member has suspended or terminated the contract, or fails to make any required refund. If the service member prevails in the action for damages, the court must order the provider to pay the service member exemplary damages of \$2,000.

Legislative History

On April 11, 2006, Representative Gundrum introduced Assembly Amendment 1. On April 12, 2006, the Assembly Committee on Military Affairs held a public hearing and executive session on the bill. The committee recommended adoption of Assembly Amendment 1 and passage of the bill, as amended, on votes of Ayes, 6; Noes, 0. Subsequently, Representative Musser introduced Assembly Amendment 2. In floor action on April 25, 2006, Assembly Amendments 1 and 2 were withdrawn and returned to their respective authors. The Assembly instead took up Assembly Amendment 3, introduced by Representative Gundrum. The Assembly adopted Assembly Amendment 3 on a voice vote and passed the bill, as amended, on a vote of Ayes, 93; Noes, 0.

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