

## **BILL ANALYSIS**

S.B. 1739  
By: Miles  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that military service members should not be penalized when they suspend or terminate certain services on being called to active duty military service or when they reinstate those services at the end of that active duty military service. S.B. 1739 seeks to allow active duty military service members to suspend, terminate, or reinstate certain services without being held liable for payment of the suspended or terminated services or being charged additional costs due to the suspension, termination, or reinstatement of the services.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 1739 amends the Business & Commerce Code to authorize a military service member, including a member of the Texas military forces serving on state active duty, who receives cable service, health spa services, services providing connectivity to the Internet or another wide area network, telecommunications services, or video service from a service provider and who is called to active duty military service to suspend or terminate the provision of the applicable services by providing to the service provider a written notice of suspension or termination and proof of the service member's official orders calling the service member to active duty military service. The bill requires such proof to be provided at the time the service member provides the written notice or, if military necessity or circumstances make the provision of proof at the time written notice is provided unreasonable or impossible, not later than the 90th day after the date on which the service member provides the written notice.

S.B. 1739 requires a service provider to suspend or terminate the service provided by the service provider to a military service member on the same business day the service provider receives a written notice of suspension or termination under the bill's provisions or on the next business day after the date the service provider receives such a written notice if the notice is received on the weekend or a holiday. The suspension or termination of the service is effective on the applicable suspension or termination date. The bill exempts a military service member from liability for the payment of any service suspended or terminated after the effective date of the suspension or termination unless and until the service member reinstates the service.

S.B. 1739 authorizes a service provider that does not receive the required proof of the official orders to reinstate the suspended or terminated service and makes the military service member

who requested the suspension or termination liable for the payment of that service from the original effective date of the suspension or termination until the date the service member provides the required proof to the service provider. The effective date of a suspension or termination of a reinstated service becomes the date on which the service provider receives the required proof. The bill prohibits a service provider from charging a penalty, fee, loss of deposit, or any other additional cost due to a suspension or termination of a service under the bill's provisions. The bill authorizes a military service member to terminate a contract for cellular telephone service or telephone exchange service in the manner provided by certain federal law, if applicable.

S.B. 1739 authorizes a military service member who suspends or terminates a service under the bill's provisions and whose period of active duty military service has ended to reinstate the service by providing a written notice of reinstatement to the service provider of the suspended or terminated service and providing a document evidencing proof of the date the active duty military service ends not later than the 90th day after the date on which the service member's active duty military service ended. The bill requires a service provider that receives such a notice and the required documentation to resume providing the same services the service provider provided to the military service member on the same terms and conditions agreed to by the service member and the service provider before the suspension or termination of those services took effect or, if the same services are no longer available, provide services that are substantially similar to the services that were suspended or terminated. The bill requires a service provider to reinstate a service within a reasonable time, but not later than the 30th day after the date the service provider receives a written notice of reinstatement. The bill prohibits a service provider from charging a penalty, fee, loss of deposit, or other additional cost due to a reinstatement of services under the bill's provisions.

S.B. 1739 applies only to a contract for services entered into or renewed on or after the bill's effective date.

#### **EFFECTIVE DATE**

September 1, 2017.