

By: Miles, et al.
(Gutierrez)

S.B. No. 1739

A BILL TO BE ENTITLED

AN ACT

relating to the suspension, termination, and reinstatement of certain services provided to military service members who are serving on active duty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 12, Business & Commerce Code, is amended by adding Chapter 606 to read as follows:

CHAPTER 606. SUSPENSION, TERMINATION, OR REINSTATEMENT OF CERTAIN SERVICES FOR ACTIVE DUTY MILITARY SERVICE MEMBERS

Sec. 606.001. DEFINITIONS. In this chapter:

(1) "Active duty military service" means:

(A) service as a member of the armed forces of the United States;

(B) with respect to a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States, active duty under an order of the president of the United States; or

(C) state active duty as a member of the Texas military forces.

(2) "Cable service," "cable service provider," "video service," and "video service provider" have the meanings assigned by Section 66.002, Utilities Code.

(3) "Health spa" has the meaning assigned by Section 702.003, Occupations Code.

1 (4) "Health spa services" has the meaning assigned to
2 the term "services" by Section 702.003, Occupations Code.

3 (5) "Health spa services provider" means a person
4 providing health spa services.

5 (6) "Internet service provider" has the meaning
6 assigned by Section 324.055.

7 (7) "Military service member" means:

8 (A) a member of the armed forces of the United
9 States;

10 (B) a member of the Texas National Guard or the
11 National Guard of another state serving on active duty under an
12 order of the president of the United States;

13 (C) a member of a reserve component of the armed
14 forces of the United States who is on active duty under an order of
15 the president of the United States; or

16 (D) a member of the Texas military forces serving
17 on state active duty.

18 (8) "Service provider" means a cable service provider,
19 a health spa services provider, an Internet service provider, a
20 telecommunications provider, or a video service provider.

21 (9) "State active duty" and "Texas military forces"
22 have the meanings assigned by Section 437.001, Government Code.

23 (10) "Telecommunications provider" has the meaning
24 assigned by Section 51.002, Utilities Code.

25 Sec. 606.002. SUSPENSION OR TERMINATION OF CERTAIN SERVICES
26 FOR ACTIVE DUTY MILITARY SERVICE MEMBERS. (a) This section
27 applies only to the following services:

1 (1) cable service;

2 (2) health spa services;

3 (3) services providing connectivity to the Internet or
4 another wide area network;

5 (4) telecommunications services; and

6 (5) video service.

7 (b) Except as provided by Subsection (i), a military service
8 member who receives any of the services described by Subsection (a)
9 from a service provider and who is called to active duty military
10 service may suspend or terminate the provision of the services by
11 providing a written notice of suspension or termination to the
12 service provider and the documentation required by Subsection (c).

13 (c) A military service member who provides to a service
14 provider a written notice of suspension or termination of a service
15 described by Subsection (a) shall also provide to the service
16 provider proof of the service member's official orders calling the
17 service member to active duty military service:

18 (1) at the time the service member provides the
19 written notice; or

20 (2) not later than the 90th day after the date on which
21 the service member provides the written notice, if military
22 necessity or circumstances make the provision of proof at the time
23 written notice is provided unreasonable or impossible.

24 (d) A service provider shall suspend or terminate the
25 service provided by the service provider to a military service
26 member on:

27 (1) the same business day the service provider

1 receives a written notice of suspension or termination under this
2 section; or

3 (2) the next business day after the date the service
4 provider receives a written notice of suspension or termination
5 under this section, if the notice is received on the weekend or a
6 holiday.

7 (e) The suspension or termination of the service is
8 effective on the applicable suspension or termination date
9 prescribed by Subsection (d). Except as provided by Subsection
10 (f), a military service member is not liable for the payment of any
11 service suspended or terminated under this section after the
12 effective date of the suspension or termination unless and until
13 the service member reinstates the service as provided by Section
14 606.003.

15 (f) If a service provider does not receive the proof of the
16 official orders as required by Subsection (c), the service provider
17 may reinstate the suspended or terminated service. The military
18 service member who requested the suspension or termination is
19 liable for the payment of that service from the original effective
20 date of the suspension or termination until the date the service
21 member provides the required proof to the service provider. The
22 effective date of a suspension or termination of a reinstated
23 service as provided by this subsection becomes the date on which the
24 service provider receives the required proof.

25 (g) Except as provided by this section, a service provider
26 may not charge a penalty, fee, loss of deposit, or any other
27 additional cost due to a suspension or termination of a service

1 under this section.

2 (h) A military service member may reinstate a service that
3 is suspended or terminated under this section in the manner
4 provided by Section 606.003.

5 (i) A military service member may terminate a contract for
6 cellular telephone service or telephone exchange service in the
7 manner provided by 50 U.S.C. Section 3956, if applicable.

8 Sec. 606.003. REINSTATEMENT OF CERTAIN SERVICES FOR ACTIVE
9 DUTY MILITARY SERVICE MEMBERS. (a) A military service member who
10 suspends or terminates a service under Section 606.002 and whose
11 period of active duty military service has ended may reinstate the
12 service by providing:

13 (1) a written notice of reinstatement to the service
14 provider of the suspended or terminated service; and

15 (2) a document evidencing proof of the date the active
16 duty military service ends not later than the 90th day after the
17 date on which the service member's active duty military service
18 ended.

19 (b) A service provider that receives a written notice of
20 reinstatement of a service and the documentation required by
21 Subsection (a)(2) shall:

22 (1) resume providing the same services the service
23 provider provided to the military service member on the same terms
24 and conditions agreed to by the service member and the service
25 provider before the suspension or termination of those services
26 took effect; or

27 (2) if the same services are no longer available,

1 provide services that are substantially similar to the services
2 that were suspended or terminated.

3 (c) A service provider shall reinstate a service as provided
4 by Subsection (b) within a reasonable time, but not later than the
5 30th day after the date the service provider receives a written
6 notice of reinstatement.

7 (d) A service provider may not charge a penalty, fee, loss
8 of deposit, or other additional cost due to a reinstatement of
9 services under this section.

10 SECTION 2. The changes in law made by this Act apply only to
11 a contract for services entered into or renewed on or after the
12 effective date of this Act.

13 SECTION 3. This Act takes effect September 1, 2017.