

1-1 By: Miles S.B. No. 1739
 1-2 (In the Senate - Filed March 9, 2017; March 23, 2017, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 19, 2017, reported favorably by the following vote: Yeas 8,
 1-5 Nays 0; April 19, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the suspension, termination, and reinstatement of
 1-20 certain services provided to military service members who are
 1-21 serving on active duty.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Title 12, Business & Commerce Code, is amended by
 1-24 adding Chapter 606 to read as follows:

1-25 CHAPTER 606. SUSPENSION, TERMINATION, OR REINSTATEMENT OF CERTAIN
 1-26 SERVICES FOR ACTIVE DUTY MILITARY SERVICE MEMBERS

1-27 Sec. 606.001. DEFINITIONS. In this chapter:

1-28 (1) "Active duty military service" means:

1-29 (A) service as a member of the armed forces of the
 1-30 United States;

1-31 (B) with respect to a member of the Texas
 1-32 National Guard or the National Guard of another state or a member of
 1-33 a reserve component of the armed forces of the United States, active
 1-34 duty under an order of the president of the United States; or

1-35 (C) state active duty as a member of the Texas
 1-36 military forces.

1-37 (2) "Cable service," "cable service provider," "video
 1-38 service," and "video service provider" have the meanings assigned
 1-39 by Section 66.002, Utilities Code.

1-40 (3) "Health spa" has the meaning assigned by Section
 1-41 702.003, Occupations Code.

1-42 (4) "Health spa services" has the meaning assigned to
 1-43 the term "services" by Section 702.003, Occupations Code.

1-44 (5) "Health spa services provider" means a person
 1-45 providing health spa services.

1-46 (6) "Internet service provider" has the meaning
 1-47 assigned by Section 324.055.

1-48 (7) "Military service member" means:

1-49 (A) a member of the armed forces of the United
 1-50 States;

1-51 (B) a member of the Texas National Guard or the
 1-52 National Guard of another state serving on active duty under an
 1-53 order of the president of the United States;

1-54 (C) a member of a reserve component of the armed
 1-55 forces of the United States who is on active duty under an order of
 1-56 the president of the United States; or

1-57 (D) a member of the Texas military forces serving
 1-58 on state active duty.

1-59 (8) "Service provider" means a cable service provider,
 1-60 a health spa services provider, an Internet service provider, a
 1-61 telecommunications provider, or a video service provider.

2-1 (9) "State active duty" and "Texas military forces"
2-2 have the meanings assigned by Section 437.001, Government Code.
2-3 (10) "Telecommunications provider" has the meaning
2-4 assigned by Section 51.002, Utilities Code.
2-5 Sec. 606.002. SUSPENSION OR TERMINATION OF CERTAIN SERVICES
2-6 FOR ACTIVE DUTY MILITARY SERVICE MEMBERS. (a) This section
2-7 applies only to the following services:
2-8 (1) cable service;
2-9 (2) health spa services;
2-10 (3) services providing connectivity to the Internet or
2-11 another wide area network;
2-12 (4) telecommunications services; and
2-13 (5) video service.
2-14 (b) Except as provided by Subsection (i), a military service
2-15 member who receives any of the services described by Subsection (a)
2-16 from a service provider and who is called to active duty military
2-17 service may suspend or terminate the provision of the services by
2-18 providing a written notice of suspension or termination to the
2-19 service provider and the documentation required by Subsection (c).
2-20 (c) A military service member who provides to a service
2-21 provider a written notice of suspension or termination of a service
2-22 described by Subsection (a) shall also provide to the service
2-23 provider proof of the service member's official orders calling the
2-24 service member to active duty military service:
2-25 (1) at the time the service member provides the
2-26 written notice; or
2-27 (2) not later than the 90th day after the date on which
2-28 the service member provides the written notice, if military
2-29 necessity or circumstances make the provision of proof at the time
2-30 written notice is provided unreasonable or impossible.
2-31 (d) A service provider shall suspend or terminate the
2-32 service provided by the service provider to a military service
2-33 member on:
2-34 (1) the same business day the service provider
2-35 receives a written notice of suspension or termination under this
2-36 section; or
2-37 (2) the next business day after the date the service
2-38 provider receives a written notice of suspension or termination
2-39 under this section, if the notice is received on the weekend or a
2-40 holiday.
2-41 (e) The suspension or termination of the service is
2-42 effective on the applicable suspension or termination date
2-43 prescribed by Subsection (d). Except as provided by Subsection
2-44 (f), a military service member is not liable for the payment of any
2-45 service suspended or terminated under this section after the
2-46 effective date of the suspension or termination unless and until
2-47 the service member reinstates the service as provided by Section
2-48 606.003.
2-49 (f) If a service provider does not receive the proof of the
2-50 official orders as required by Subsection (c), the service provider
2-51 may reinstate the suspended or terminated service. The military
2-52 service member who requested the suspension or termination is
2-53 liable for the payment of that service from the original effective
2-54 date of the suspension or termination until the date the service
2-55 member provides the required proof to the service provider. The
2-56 effective date of a suspension or termination of a reinstated
2-57 service as provided by this subsection becomes the date on which the
2-58 service provider receives the required proof.
2-59 (g) Except as provided by this section, a service provider
2-60 may not charge a penalty, fee, loss of deposit, or any other
2-61 additional cost due to a suspension or termination of a service
2-62 under this section.
2-63 (h) A military service member may reinstate a service that
2-64 is suspended or terminated under this section in the manner
2-65 provided by Section 606.003.
2-66 (i) A military service member may terminate a contract for
2-67 cellular telephone service or telephone exchange service in the
2-68 manner provided by 50 U.S.C. Section 3956, if applicable.
2-69 Sec. 606.003. REINSTATEMENT OF CERTAIN SERVICES FOR ACTIVE

3-1 DUTY MILITARY SERVICE MEMBERS. (a) A military service member who
3-2 suspends or terminates a service under Section 606.002 and whose
3-3 period of active duty military service has ended may reinstate the
3-4 service by providing:

3-5 (1) a written notice of reinstatement to the service
3-6 provider of the suspended or terminated service; and

3-7 (2) a document evidencing proof of the date the active
3-8 duty military service ends not later than the 90th day after the
3-9 date on which the service member's active duty military service
3-10 ended.

3-11 (b) A service provider that receives a written notice of
3-12 reinstatement of a service and the documentation required by
3-13 Subsection (a)(2) shall:

3-14 (1) resume providing the same services the service
3-15 provider provided to the military service member on the same terms
3-16 and conditions agreed to by the service member and the service
3-17 provider before the suspension or termination of those services
3-18 took effect; or

3-19 (2) if the same services are no longer available,
3-20 provide services that are substantially similar to the services
3-21 that were suspended or terminated.

3-22 (c) A service provider shall reinstate a service as provided
3-23 by Subsection (b) within a reasonable time, but not later than the
3-24 30th day after the date the service provider receives a written
3-25 notice of reinstatement.

3-26 (d) A service provider may not charge a penalty, fee, loss
3-27 of deposit, or other additional cost due to a reinstatement of
3-28 services under this section.

3-29 SECTION 2. The changes in law made by this Act apply only to
3-30 a contract for services entered into or renewed on or after the
3-31 effective date of this Act.

3-32 SECTION 3. This Act takes effect September 1, 2017.

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