

House Bill 3066
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION __. 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.

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

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

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

(7) "Military service member" means:

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

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

(C) a member of a reserve component of the armed forces of

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the United States who is on active duty under an order of the president of the United States; or

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

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

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

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

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

(1) cable service;

(2) health spa services;

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

(4) telecommunications services; and

(5) video service.

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

(c) A military service member who provides to a service provider a written notice of suspension or termination of a service described by Subsection (a) shall also provide to the service provider proof of the service member's official orders

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calling the service member to active duty military service:

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

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

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

(1) the same business day the service provider receives a written notice of suspension or termination under this section;

or

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

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

(f) If a service provider does not receive the proof of the official orders as required by Subsection (c), the service provider may reinstate the suspended or terminated service. The military service member who requested the suspension or termination is 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

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service provider. The effective date of a suspension or termination of a reinstated service as provided by this subsection becomes the date on which the service provider receives the required proof.

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

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

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

Sec. 606.003. REINSTATEMENT OF CERTAIN SERVICES FOR ACTIVE DUTY MILITARY SERVICE MEMBERS.

(a) A military service member who suspends or terminates a service under Section 606.002 and whose period of active duty military service has ended may reinstate the service by providing:

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

(2) 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.

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

(1) 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

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service provider before the suspension or termination of those services took effect; or

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

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

(d) A service provider may not charge a penalty, fee, loss of deposit, or other additional cost due to a reinstatement of services under this section. [FA1,3rd]

SECTION __. Chapter 606, Business & Commerce Code, as added by this Act, applies only to a contract for services entered into or renewed on or after the effective date of this Act. [FA1,3rd]

SECTION 1. Same as House version.

No equivalent provision.

SECTION 1. Section 437.213, Government Code, is amended to read as follows:

Sec. 437.213. CERTAIN BENEFITS AND PROTECTIONS FOR STATE SERVICE. A service member of the Texas military forces who is ordered to state active duty or to state training and other duty by the governor, the adjutant general, or another proper authority under the law of this state is entitled to the same benefits and protections provided to persons:

(1) performing service in the uniformed services as provided by 38 U.S.C. Sections 4301-4313 and 4316-4319~~[-as that law existed on April 1, 2003];~~ and

(2) in the military service of the United States as provided by 50 ~~[App.]~~ U.S.C. Sections 3901-3959, 3991, and 4011-4026

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~~[501-536, 560, and 580-594, as that law existed on April 1, 2003].~~

SECTION 2. The change in law made by this Act applies only to a service member of the Texas military forces who is serving on state active duty or on state training and other duty on the effective date of this Act or who is ordered to such duty on or after that date.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

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SECTION 2. Same as House version.

SECTION 3. Same as House version.

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