

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 227

By: Simpson of the Senate

and

Hardin of the House

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9 An Act relating to contracts; providing definition;
10 establishing procedures for the termination or
11 suspension and for reinstatement of certain contracts
12 by service members; providing that service members
13 are not liable for certain penalties or payments;
14 providing for codification; and providing an
15 effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 778 of Title 15, unless there is
19 created a duplication in numbering, reads as follows:

20 A. As used in this section, "service member" means:

21 1. A member of the organized militia who is called into active
22 service of the state by the Governor for thirty (30) or more
23 consecutive days; or
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1 2. A member of the Armed Forces of the United States who is
2 called into active federal service under Title 10 of the United
3 States Code.

4 B. Except as provided in subsection G of this section, a
5 service member who has obtained the following services from a
6 telecommunications service provider, an Internet service provider, a
7 health club, a health spa or a provider of television services may
8 terminate or suspend the provision of services upon written notice
9 and as provided in subsection C of this section:

10 1. Telecommunications services, as defined in Section 139.102
11 of Title 17 of the Oklahoma Statutes;

12 2. Internet Services;

13 3. Health spa services, as defined in Section 2001 of Title 59
14 of the Oklahoma Statutes;

15 4. Exercise or athletic activities offered by a health club;
16 and

17 5. Television services, including but not limited to cable
18 television, direct satellite and other television-like services.

19 C. The service member must provide proof to the service
20 provider of the official orders showing that the service member has
21 been called into active service:

22 1. At the time written notice is given; or

23 2. If precluded by military necessity or circumstances that
24 make the provision of proof at the time of giving written notice

1 unreasonable or impossible, within ninety (90) days after written
2 notice has been given.

3 D. A termination or suspension of services under this section
4 is effective on the day written notice is given under subsection C
5 of this section.

6 E. 1. A service member who terminates or suspends the
7 provision of services under this section and who is no longer in
8 active service may reinstate the provision of services on the same
9 terms and conditions as originally agreed to with the service
10 provider before the termination or suspension upon written notice to
11 the provider that the service member is no longer in active service.
12 Written notice under this subsection must be given within ninety
13 (90) days after termination of the service member's active service.

14 2. Upon receipt of the written notice of reinstatement, the
15 service provider shall resume the provision of services or, if the
16 services are no longer available, provide substantially similar
17 services within a reasonable time not to exceed thirty (30) days
18 from the date of receipt of the written notice of reinstatement.

19 F. A service member who terminates, suspends or reinstates the
20 provision of services under this section:

21 1. May not be charged a penalty, fee, loss of deposit or any
22 other additional cost because of the termination, suspension or
23 reinstatement; and
24

1 2. Is not liable for payment for any services after the
2 effective date of the termination or suspension, or until the
3 effective date of a reinstatement of services as described in
4 subsection E of this section.

5 G. A service member may terminate a contract for any service
6 provided by a commercial mobile radio services provider in
7 accordance with 50 U.S.C. 535a.

8 SECTION 2. This act shall become effective November 1, 2017.

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10 COMMITTEE REPORT BY: COMMITTEE ON VETERANS AND MILITARY AFFAIRS,
11 dated 04/05/2017 - DO PASS.
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