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February 16, 2017

SENATE BILL NO. 227

By: Simpson of the Senate

and

Hardin of the House

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

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

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

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

1. A member of the organized militia who is called into active service of the state by the Governor for thirty (30) or more consecutive days; or

2. A member of the Armed Forces of the United States who is called into active federal service under Title 10 of the United States Code.

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

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

9 2. Internet Services;

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

12 4. Exercise or athletic activities offered by a health club;
13 and

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

16 C. The service member must provide proof to the service
17 provider of the official orders showing that the service member has
18 been called into active service:

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

20 2. If precluded by military necessity or circumstances that
21 make the provision of proof at the time of giving written notice
22 unreasonable or impossible, within ninety (90) days after written
23 notice has been given.
24

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

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

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

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

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

22 2. Is not liable for payment for any services after the
23 effective date of the termination or suspension, or until the
24

1 effective date of a reinstatement of services as described in
2 subsection E of this section.

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

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

7 COMMITTEE REPORT BY: COMMITTEE ON VETERANS AND MILITARY AFFAIRS
8 February 16, 2017 - DO PASS
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