

2018 Regular Session

SENATE BILL NO. 114

BY SENATOR PEACOCK

CONSUMERS/PROTECTION. Provides relative to the Military Service Relief Act. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 29:402(C) and 422(A) and to enact R.S. 29:418.2, relative to the
3 Military Service Relief Act; to provide relative to contracts; to provide for
4 suspension or termination of contracts under certain circumstances; to provide for
5 procedures, terms, and conditions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 29:402(C) and 422(A) are hereby amended and reenacted and R.S.
8 29:418.2 is hereby enacted to read as follows:

9 §402. Purpose

10 * * *

11 C. The provisions of this Part are intended to be supplemental to any rights
12 that persons called to military service have under any applicable federal statutes,
13 particularly, the Servicemembers Civil Relief Act, ~~50 App. U.S.C. 501 et seq.~~ 50
14 U.S.C. 3901 et seq., and the Uniformed Services Employment and Reemployment
15 Rights Act, 38 U.S.C. 4301 et seq., and under any other applicable laws of this state.

16 * * *

17 §418.2. Service contracts; suspension or termination during service in the

1 uniformed services

2 A. A person called to service in the uniformed services may suspend or
3 terminate the following contracts as provided in this Section. The suspension or
4 termination may be made by the person at any time after receiving military
5 orders to relocate, for a period of service of at least ninety days, to a location
6 that does not support the contracts.

7 B. The contracts that may be suspended or terminated are:

8 (1) Telecommunications services, excluding cellular phone and wireless
9 service plan contracts subject to the provisions of R.S. 29:418.1.

10 (2) Internet services.

11 (3) Telephone services.

12 (4) Athletic club or gym memberships.

13 (5) Satellite radio services.

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

16 (7) Utility services.

17 C.(1) Suspension.

18 (a) The contract may be suspended for a period not exceeding thirty
19 days after discharge from active military service. The suspension shall be
20 without imposition of any charge, and shall be effective on the day notice is
21 given by the person to the service provider. The notice shall include a copy of
22 the person's military orders.

23 (b) To reactivate service, the person shall notify the service provider
24 within thirty days of the date of his discharge from active military service. No
25 fee shall be charged for reactivation.

26 (2) Termination. A contract may be terminated by notice requesting
27 termination of the contract. A copy of the person's military orders shall be
28 included in the notice. No termination or cancellation fee or penalty shall be
29 imposed, and termination shall become effective on the day notice is given to the

1 service provider.

2 (3) Notice to the service provider shall be made in writing or by
3 electronic communication.

4 (4) The provisions of this Section shall supersede and control to the
5 extent of conflict with any other provision of law. A contract provision in
6 conflict with the provisions of this Section, or that attempts to waive the
7 provisions of this Section, shall be void and unenforceable as contrary to public
8 policy.

9 * * *

10 §422. Enforcement of Servicemembers Civil Relief Act; Uniformed Services

11 Employment and Reemployment Rights Act; notice requirements

12 A.(1) The provisions of the Servicemembers Civil Relief Act (~~50 App. U.S.C.~~
13 ~~501 et seq.~~) **(50 U.S.C. 3901 et seq.)** (SCRA) and the Uniformed Services
14 Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.) (USERRA) are
15 adopted and made a part of this Part, and all of the benefits, protections, and rights
16 provided in SCRA and USERRA shall be applicable to all persons called to service
17 in the uniformed services as defined in R.S. 29:403 and shall be enforceable pursuant
18 to the provisions of this Section.

19 (2) The Louisiana Workforce Commission shall make available the following
20 notice that every employer shall post in a conspicuous place in each employment
21 establishment:

22 "If you are in the national guard, military reserves, or active in the military,
23 you have certain protected employment and reemployment rights, freedom from
24 discrimination rights, and civil relief rights under federal law 38 U.S.C. 4301 et seq.
25 (USERRA) and ~~50 App. U.S.C. 501 et seq.~~ **50 U.S.C. 3901 et seq.** (SCRA) and state
26 law R.S. 29:401 et seq. (MSRA). If you feel that you have been discriminated against
27 or denied such rights on account of your service in the uniformed services, contact
28 the Employer Support Guard and Reserve Committee at 1-800-336-4590."

29 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 114 Original

2018 Regular Session

Peacock

Present law provides relative to the Military Service Relief Act ("Act") and provides that the federal Servicemembers Civil Relief Act is adopted and made a part of the Act.

Proposed law changes the citation of the Servicemembers Civil Relief Act from 50 App. U.S.C. 501 et seq. to 50 U.S.C. 3901 et seq.

Present law provides for reemployment rights and other benefits for persons who perform service in the uniformed services of the United States.

Proposed law provides that a person called to service in the uniformed services may suspend or terminate certain contracts. The suspension or termination may be made by the person at any time after receiving military orders to relocate, for a period of service of at least 90 days, to a location that does not support the contracts.

Proposed law provides the contracts that may be suspended or terminated are:

- (1) Telecommunications services, excluding cellular phone and wireless service plan contracts.
- (2) Internet services.
- (3) Telephone services.
- (4) Athletic club or gym memberships.
- (5) Satellite radio services.
- (6) Television services, including but not limited to cable television, direct satellite, and other television-like services.
- (7) Utility services.

Proposed law provides that a contract may be suspended for a period not exceeding 30 days after discharge from active military service. The suspension shall be without imposition of any charge, and shall be effective on the day notice is given by the person to the service provider. The notice shall include a copy of the person's military orders.

Proposed law provides that to reactivate service, the person shall notify the service provider within 30 days of the date of his discharge from active military service. No fee shall be charged for reactivation.

Proposed law provides that a contract may be terminated by notice requesting termination of the contract. A copy of the person's military orders shall be included in the notice. No termination or cancellation fee or penalty shall be imposed, and termination shall become effective on the day notice is made to the service provider.

Proposed law shall supersede and control to the extent of conflict with any other provision of law. A contract provision in conflict with proposed law, or that attempts to waive the provisions of proposed law, shall be void and unenforceable as contrary to public policy.

Effective August 1, 2018.

(Amends R.S. 29:402(C) and 422(A); adds R.S. 29:418.2)