

## ASSEMBLY BILL NO. 282—ASSEMBLYMAN ELLIOT ANDERSON

MARCH 13, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing benefits and protections for service members. (BDR 52-625)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to trade practices; authorizing certain service members who receive certain military orders to relocate or deploy to terminate or suspend a contract for certain services; authorizing such a service member to reinstate such a contract under certain circumstances; prohibiting the imposition of certain penalties, fees or other charges on a service member who terminates a contract for certain services after receiving certain military orders to relocate or deploy; authorizing a service member or the Attorney General to bring an action against a person who violates certain provisions; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

The federal Servicemembers Civil Relief Act (50 U.S.C. §§ 3901 et seq.) authorizes members of the military and members of certain other uniformed services who receive military orders to relocate for a period of at least 90 days to terminate a contract for cellular telephone service or telephone exchange service, without incurring certain penalties. The federal Act further provides certain benefits to a member of the military or a service member who resubscribes to the terminated service within a certain period, including, without limitation, the right to retain the telephone number under the terminated contract. (50 U.S.C. § 3956)

Generally, this bill authorizes a member of the military or a member of certain other uniformed services to terminate, suspend or reinstate a contract for certain services. **Section 5** of this bill authorizes a service member to terminate or suspend a contract for membership in a health club and a contract for telecommunication service, Internet service or video service if the service member receives military orders for a change of station or to deploy for a period of at least 30 days. **Section 5** of this bill further authorizes the service member to terminate a contract for cellular telephone service or telephone exchange service under the circumstances set forth



\* A B 2 8 2 \*

in the federal Servicemembers Civil Relief Act. **Section 6** sets forth the terms upon which a service member may reinstate the contract for service described in **section 5**. **Section 7** of this bill prohibits a service provider from charging penalties or certain additional charges because of the termination, suspension or reinstatement of a contract pursuant to this bill. **Section 8** of this bill: (1) authorizes a person injured by a violation of this bill to bring an action to recover damages or for declaratory or equitable relief; and (2) authorizes the court to award attorney's fees and costs to a plaintiff who prevails in such an action. **Section 9** of this bill authorizes the Attorney General to: (1) bring an action against a person who has violated, is violating or is about to violate a provision of this bill; and (2) obtain certain remedies in that action, including injunctive relief, a civil penalty of not more than \$25,000 for a first violation and \$50,000 for any subsequent violation, or restitution for the service member.

---

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *"Service member" means a person who is stationed in or a resident of this State and who is:*

*1. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States who is on active duty;*

*2. A member of the Merchant Marine, the Commissioned Corps of the Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States; or*

*3. A member of the National Guard.*

**Sec. 4.** *"Written notice" includes, without limitation, the provision of notice by electronic mail.*

**Sec. 5. 1.** *A service member may, upon written notice to the service provider, terminate or suspend a contract for a service described in subsection 2 at any time after the date the service member receives military service orders:*

*(a) For a permanent change of station; or*

*(b) To deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 30 days.*

**2.** *The provisions of subsection 1 apply to a contract for any of the following services:*



1     (a) Except as otherwise provided in subsection 5,  
2     telecommunication service.

3     (b) Internet service.

4     (c) Membership in a health club.

5     (d) Video service.

6     3. The service member must provide written proof to the  
7     service provider of the official military service orders showing that  
8     the service member has been relocated or deployed, as described in  
9     subsection 1:

10    (a) At the time written notice is given pursuant to subsection 1;  
11    or

12    (b) If precluded by military necessity or circumstances that  
13    make the provision of proof at that time unreasonable or  
14    impossible, within 90 days after the written notice is given.

15    4. A termination or suspension of a contract for services  
16    under this section is effective on the day written notice is given by  
17    the service member pursuant to subsection 1. The termination or  
18    suspension of service does not eliminate or alter any contractual  
19    obligation to pay for services rendered before the effective date of  
20    the written notice, unless otherwise provided by law.

21    5. A service member may terminate a contract for cellular  
22    telephone service or telephone exchange service in accordance  
23    with the provisions of 50 U.S.C. § 3956.

24    6. As used in this section:

25    (a) "Health club" has the meaning ascribed to it in  
26    NRS 598.9415.

27    (b) "Telecommunication service" has the meaning ascribed to  
28    it in NRS 711.135.

29    (c) "Video service" means the provision of multichannel video  
30    programming generally considered comparable to video  
31    programming delivered by a television broadcast station, cable  
32    service or other digital television service, whether provided as part  
33    of a tier, on-demand or on a per channel basis, without regard to  
34    the technology used to deliver the video service.

35    (1) The term includes, without limitation:

36    (I) Cable service; and

37    (II) Internet protocol technology or any successor  
38    technology.

39    (2) The term does not include:

40    (I) Any video content provided solely as part of, and  
41    through, a service that enables users to access content,  
42    information, electronic mail or other services that are offered via  
43    the public Internet.

44    (II) Any wireless multichannel video programming  
45    provided by a commercial mobile service provider.



1     **Sec. 6. 1.** *A service member who terminates or suspends a*  
2 *contract for the provision of a service pursuant to section 5 of this*  
3 *act may, upon giving written notice to the service provider within*  
4 *90 days after termination of the service member's relocation or*  
5 *deployment, reinstate the provision of services:*

6     *(a) If the service member was relocated or deployed for not*  
7 *more than 12 consecutive months, on the same terms and*  
8 *conditions as originally agreed upon with the service provider*  
9 *before the termination or suspension.*

10    *(b) If the service member was relocated or deployed for more*  
11 *than 12 consecutive months, on the same terms and conditions*  
12 *that were offered by the service provider to any new customer at*  
13 *the lowest discounted or promotional rate within the 12-month*  
14 *period immediately preceding the termination of his or her*  
15 *relocation or deployment.*

16     **2.** *Upon receipt of the written notice of reinstatement, the*  
17 *service provider must resume the provision of services or, if the*  
18 *services are no longer available, provide substantially similar*  
19 *services within a reasonable time, not exceeding 30 days, from the*  
20 *date of receipt of the written notice of reinstatement.*

21     **Sec. 7.** *A service member who terminates, suspends or*  
22 *reinstates a contract for the provision of a service pursuant to*  
23 *sections 2 to 9, inclusive, of this act:*

24     **1.** *Must not be charged a penalty, fee, loss of deposit or any*  
25 *other additional cost because of the termination, suspension or*  
26 *reinstatement; and*

27     **2.** *Is not liable for payment for any services after the effective*  
28 *date of the termination or suspension, and until the effective date*  
29 *of a reinstatement of services pursuant to section 6 of this act, if*  
30 *applicable.*

31     **Sec. 8. 1.** *Any person injured by a violation of sections 2 to*  
32 *9, inclusive, of this act may bring an action for recovery of*  
33 *damages or for declaratory or equitable relief.*

34     **2.** *In addition to the relief authorized by this section, the*  
35 *court may award reasonable attorney's fees and costs to a plaintiff*  
36 *that prevails under this section.*

37     **Sec. 9.** *If the Attorney General has reason to believe that a*  
38 *person has violated, is violating or is about to violate any of the*  
39 *provisions of sections 2 to 9, inclusive, of this act, the Attorney*  
40 *General may institute an appropriate legal proceeding against the*  
41 *person. The district court, upon a showing that the person has*  
42 *violated, is violating or is about to violate any of the provisions of*  
43 *sections 2 to 9, inclusive, of this act, may grant any of the*  
44 *following remedies, as appropriate:*

45     **1.** *Issue a temporary or permanent injunction.*



- 1     **2.   *Impose a civil penalty not to exceed:***
- 2     **(a)   *For a first violation, \$25,000; and***
- 3     **(b)   *For any subsequent violation, \$50,000.***
- 4     **3.   *Issue a declaratory judgment.***
- 5     **4.   *Order restitution for the service member.***
- 6     **5.   *Order the payment of attorney's fees and costs.***
- 7     **6.   *Order such other relief as the court deems just.***
- 8     **Sec. 10.**   This act becomes effective on July 1, 2017.

