

B-Engrossed
House Bill 2083

Ordered by the Senate June 4
Including House Amendments dated April 19 and Senate Amendments
dated June 4

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Military Department)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Permits service member called into active service to suspend and reinstate provision of telecommunications, Internet, television, health spa and health club services. Prohibits service provider from imposing charge for suspension or reinstatement of provision of services. **Allows service member to terminate services provided by commercial mobile radio services provider in accordance with federal law.**

A BILL FOR AN ACT

1
2 Relating to the provision of services to active duty service members.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 399.**

5 **SECTION 2. (1) As used in this section, "service member" means:**

6 (a) **A member of the organized militia who is called into active service of the state by the**
7 **Governor under ORS 399.065 (1) for 30 or more consecutive days.**

8 (b) **A member of the Armed Forces of the United States, as that term is defined in ORS**
9 **348.282, who is called into active federal service under Title 10 of the United States Code.**

10 (2)(a) **Except as provided in subsection (6) of this section, a service member who has**
11 **obtained the following services from a telecommunications service provider, an Internet**
12 **service provider, a health club as defined in ORS 431.680, a health spa as defined in ORS**
13 **646A.030 or a provider of television services may terminate or suspend the provision of ser-**
14 **vices upon written notice and as provided in paragraph (b) of this subsection:**

15 (A) **Telecommunications services.**

16 (B) **Internet services.**

17 (C) **Health spa services as defined in ORS 646A.030.**

18 (D) **Exercise or athletic activities offered by a health club.**

19 (E) **Television services, including but not limited to cable television, direct satellite and**
20 **other television-like services.**

21 (b) **The service member must provide proof to the service provider of the official orders**
22 **showing that the service member has been called into active service:**

23 (A) **At the time written notice is given; or**

24 (B) **If precluded by military necessity or circumstances that make the provision of proof**
25 **at the time of giving written notice unreasonable or impossible, within 90 days after written**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 notice has been given.

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

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

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

14 (5) A service member who terminates, suspends or reinstates the provision of services
15 under this section:

16 (a) May not be charged a penalty, fee, loss of deposit or any other additional cost because
17 of the termination, suspension or reinstatement; and

18 (b) Is not liable for payment for any services after the effective date of the termination
19 or suspension, or until the effective date of a reinstatement of services as described in sub-
20 section (4) of this section.

21 (6) A service member may terminate a contract for any service provided by a commercial
22 mobile radio services provider in accordance with 50 U.S.C. 535a.

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