

House Bill 2083

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 **as introduced**.

Permits service member called into active service to suspend and reinstate provision of telecommunications, Internet, health spa and health club services. Prohibits service provider from imposing charge for suspension or reinstatement of provision of services.

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) **A service member who has obtained the following services from a telecommuni-**
11 **cations service provider, an Internet service provider, a health club as defined in ORS 431.680**
12 **or a health spa as defined in ORS 646A.030 may suspend the provision of services upon**
13 **written notice and as provided in paragraph (b) of this subsection:**

14 (A) **Telecommunications services, including telephone services, text messaging services**
15 **and cellular telephone 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 (b) **The service member must provide proof to the service provider of the official orders**
20 **showing that the service member has been called into active service:**

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

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

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

27 (4)(a) **A service member who suspends the provision of services under this section and**
28 **who is no longer in active service may reinstate the provision of services on the same terms**
29 **and conditions as originally agreed to with the service provider before the suspension upon**
30 **written notice to the provider that the service member is no longer in active service. 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 under this subsection must be given within 90 days after termination of active service.**

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

6 **(5) A service member who suspends or reinstates the provision of services under this**
7 **section:**

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

10 **(b) Is not liable for payment for any services after the effective date of the suspension**
11 **or until the effective date of a reinstatement of services as provided in subsection (4) of this**
12 **section.**

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