

BILL ANALYSIS

Senate Research Center

H.B. 3066
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Veteran Affairs & Border Security
7/17/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties assert that state law extending certain protections under federal law to service members of the Texas military forces ordered to state active duty or to state training and other duty should be updated to reflect changes in that federal law. H.B. 3066 makes this update. (Original Author's / Sponsor's Statement of Intent)

H.B. 3066 amends current law relating to certain benefits and protections for military service members.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 437.213, Government Code, as follows:

Sec. 437.213. CERTAIN BENEFITS AND PROTECTIONS FOR STATE SERVICE. Provides that a service member of the Texas military forces who is ordered to state active duty or to state training and other duty by the governor, the adjutant general, or another proper authority under the law of this state is entitled to the same benefits and protections provided to persons:

(1) performing service in the uniformed services as provided by 38 U.S.C. Sections 4301-4313 and 4316-4319, rather than by 38 U.S.C. Sections 4301-4313 and 4316-4319, as that law existed on April 1, 2003; and

(2) in the military service of the United States as provided 50 U.S.C. Sections 3901-3959, 3991, and 4011-4026, rather than by 50 App. U.S.C. Sections 501-536, 560, and 580-594, as that law existed on April 1, 2003.

SECTION 2. Amends Title 12, Business & Commerce Code, by adding Chapter 606, as follows:

CHAPTER 606. SUSPENSION, TERMINATION, OR REINSTATEMENT OF CERTAIN SERVICES FOR ACTIVE DUTY MILITARY SERVICE MEMBERS

Sec. 606.001. DEFINITIONS. Defines "active duty military service," "cable service," "cable service provider," "video service," "video service provider," "health spa," "health spa services," "health spa services provider," "Internet service provider," "military service member," "service provider," "state active duty," "Texas military forces," and "telecommunications provider."

Sec. 606.002. SUSPENSION OR TERMINATION OF CERTAIN SERVICES FOR ACTIVE DUTY MILITARY SERVICE MEMBERS. (a) Provides that this section applies only to cable service, health spa services, services providing connectivity to the Internet or another wide area network, telecommunications services, and video service.

(b) Authorizes a military service member (service member) who receives any of the services described by Subsection (a) from a service provider and who is called to active duty military service (active duty) to suspend or terminate the provision of the services by providing a written notice of suspension or termination to the service provider and the documentation required by Subsection (c), except as provided by Subsection (i).

(c) Requires a service member who provides to a service provider a written notice of suspension or termination of a service described by Subsection (a) to also provide to the service provider proof of the service member's official orders calling the service member to active duty at the time the service member provides the written notice or, under certain circumstances, not later than the 90th day after the date on which the service member provides the written notice.

(d) Requires a service provider to suspend or terminate the service provided by the service provider to a service member on the same business day the service provider receives a written notice of suspension or termination or, if a written notice is received on the weekend or a holiday, the next business day after the date the service provider receives the written notice.

(e) Provides that the suspension or termination of the service is effective on the applicable suspension or termination date prescribed by Subsection (d). Provides that, except as provided by Subsection (f), a service member is not liable for the payment of any service suspended or terminated after the effective date of the suspension or termination unless and until the service member reinstates the service as provided by Section 606.003.

(f) Authorizes a service provider to reinstate the suspended or terminated service if the service provider does not receive proof of the official orders as required by Subsection (c) and provides that the service member who requested the suspension or termination is liable for the payment of that service from the original effective date of the suspension or termination until the date the service member provides the required proof to the service provider. Provides that the effective date of a suspension or termination of a reinstated service as provided by this subsection becomes the date on which the service provider receives the required proof.

(g) Prohibits a service provider, except as provided by this section, from charging a penalty, fee, loss of deposit, or any other additional cost due to a suspension or termination of a service under this section.

(h) Authorizes a service member to reinstate a service that is suspended or terminated in the manner provided by Section 606.003.

(i) Authorizes a service member to terminate a contract for cellular telephone service or telephone exchange service in the manner provided by 50 U.S.C. Section 3956, if applicable.

Sec. 606.003. REINSTATEMENT OF CERTAIN SERVICES FOR ACTIVE DUTY MILITARY SERVICE MEMBERS. (a) Authorizes a service member who suspends or terminates a service under Section 606.002 and whose period of active duty has ended to reinstate the service by providing a written notice of reinstatement to the service provider of the suspended or terminated service and a document evidencing proof of the date the active duty ends not later than a certain date.

(b) Requires a service provider that receives a written notice of reinstatement of a service and required documentation to:

(1) resume providing the same services the service provider provided to the service member on the same terms and conditions agreed to by the

service member and the service provider before the suspension or termination of those services took effect; or

(2) if the same services are no longer available, provide services that are substantially similar to the services that were suspended or terminated.

(c) Requires a service provider to reinstate a service as provided by Subsection (b) within a reasonable time, but not later than the 30th day after the date the service provider receives a written notice of reinstatement.

(d) Prohibits a service provider from charging a penalty, fee, loss of deposit, or other additional cost due to a reinstatement of services under this section.

SECTION 3. Provides that Chapter 606, Business & Commerce Code, as added by this Act, applies only to a contract for services entered into or renewed on or after the effective date of this Act.

SECTION 4. Provides that the change in law made by this Act applies only to a service member of the Texas military forces who is serving on state active duty or on state training and other duty on the effective date of this Act or who is ordered to such duty on or after that date.

SECTION 5. Effective date: upon passage or September 1, 2017.