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**HOUSE BILL NO. 2147**

Offered January 11, 2017

Prefiled January 11, 2017

*A BILL to amend the Code of Virginia by adding in Title 44 a chapter numbered 1.1, consisting of sections numbered 44-122.1 through 44-122.4, relating to the Virginia Service Members Civil Relief Act.*

Patrons—Simon, Bell, John J., Cole, Filler-Corn and Murphy

Referred to Committee on Militia, Police and Public Safety

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 44 a chapter numbered 1.1, consisting of sections numbered 44-122.1 through 44-122.4, as follows:**

**CHAPTER 1.1.****VIRGINIA SERVICE MEMBERS CIVIL RELIEF ACT.****§ 44-122.1. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

*"Military service" means:*

*1. In the case of a service member who is a member or reserve member of the United States Armed Forces, full-time duty in the active military service of the United States, including (i) full-time training duty, (ii) annual training duty, and (iii) attendance while at a school designated as a service school by federal law or by the secretary of the military department concerned;*

*2. In the case of a member or reserve member of the Virginia National Guard, service (i) under a call to active service authorized by the President of the United States or the U.S. Secretary of Defense for a period of more than 30 days in response to a national emergency declared by the President of the United States or (ii) under orders to be present for duty under Title 32 of the United States Code or while in a state active duty status for a period of more than 30 consecutive days;*

*3. In the case of a service member who is a commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration, active service; or*

*4. Any period during which a service member is absent from duty on account of sickness, wounds, leave, or other lawful case.*

*"Service member" means an individual engaged in military service.*

**§ 44-122.2. Chapter to supplement federal Servicemembers Civil Relief Act; application to dependents.**

*A. This chapter is intended to supplement the rights and protections provided in the federal Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.).*

*B. After giving notice as provided in this chapter, the dependent of a service member shall have the same rights and protections provided to a service member under Title II of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 521 through 527).*

**§ 44-122.3. Rights granted.**

*A. In addition to the rights and protections regarding consumer transactions, contracts, and service providers included in Title III of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 531 through 538), a service member may terminate or suspend a contract described in subsection B at any time after the date the service member receives military orders to relocate for a period of service of at least 90 days to a location that does not support the contract.*

*B. The provisions of this section shall apply to a contract to provide any of the following:*

*1. Telecommunication services;*

*2. Internet services;*

*3. Television services;*

*4. Athletic club or gym memberships; or*

*5. Commercial mobile radio services pursuant to 50 U.S.C. App. 535a.*

*C. The termination or suspension of a contract shall be made by delivery of a written or electronic notice of the termination or suspension and a copy of the service member's military orders to the service provider. If precluded by military necessity or circumstances that make delivery of a copy of such military order unreasonable or impossible, delivery of such military orders shall occur within 90 days after written notice has been given.*

*D. Termination or suspension of services under this section shall be effective on the day written notice is given.*

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59 *E. A service member who terminates or suspends the provision of services under this section and*  
60 *who is no longer in military service may reinstate the provision of services on the same terms and*  
61 *conditions as originally agreed to with the service provider before the termination or suspension,*  
62 *provided that written notice is given to the service provider that the service member is no longer in*  
63 *military service. Written notice under this subsection shall be given within 90 days after discharge from*  
64 *military service.*

65 *F. Upon receipt of the notice required by subsection E, a service provider shall resume the provision*  
66 *of services or, if the services are no longer available, provide substantially similar services within a*  
67 *reasonable time, not to exceed 30 days from receipt of such notice.*

68 *G. A service member who terminates, suspends, or reinstates the provision of services under this*  
69 *section shall not be charged a penalty, fee, loss of deposit, or any other additional fee due to such*  
70 *termination, suspension, or reinstatement. In addition, a service member shall not be liable for payment*  
71 *for any services after the effective date of the termination or suspension, or until the effective date of a*  
72 *reinstatement of services under subsection E.*

73 **§ 44-122.4. Virginia Consumer Protection Act; violation of federal act deemed violation of this**  
74 **chapter.**

75 *A. It shall be a violation of the Virginia Consumer Protection Act (§ 59.1-196 et seq.) for a service*  
76 *provider specified in § 44-122.3 to fail to comply with the provisions of this chapter.*

77 *B. A violation of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) shall*  
78 *constitute a violation of this chapter.*