

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 682**

Introduced by Blood, 3; Brewer, 43.

Read first time January 03, 2018

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to servicemembers; to define terms; to provide
- 2 consumer protection and civil relief as prescribed; and to provide a
- 3 duty for the National Guard.
- 4 Be it enacted by the people of the State of Nebraska,

1           Section 1. For purposes of sections 1 to 4 of this act:

2           (1) Military service means:

3           (a) In the case of a servicemember who is a member or reserve member  
4 of the Army, Navy, Air Force, Marine Corps, or Coast Guard, full-time  
5 duty in the active military service of the United States, including:

6           (i) Full-time training duty;

7           (ii) Annual training duty; and

8           (iii) Attendance while at a school designated as a service school by  
9 federal law or by the secretary of the military department concerned;

10          (b) In the case of a member or reserve member of the Nebraska  
11 National Guard, service under a call to active service or duty authorized  
12 by:

13          (i) The President of the United States or the Secretary of Defense  
14 for a period of more than thirty days in response to a national emergency  
15 declared by the President of the United States; or

16          (ii) The Governor for a period of more than thirty consecutive days;

17          (c) In the case of a servicemember who is a commissioned officer of  
18 the United States Public Health Service or the National Oceanic and  
19 Atmospheric Administration, active service; or

20          (d) Any period during which a servicemember is absent from duty on  
21 account of sickness, wounds, leave, or other lawful cause; and

22          (2) Servicemember means an individual engaged in military service.

23          Sec. 2. (1) In addition to the rights and protections regarding  
24 consumer transactions, contracts, and service providers included under  
25 the federal Servicemembers Civil Relief Act, a servicemember may  
26 terminate a contract described in subsection (2) of this section at any  
27 time after the date the servicemember receives military orders to  
28 relocate for a period of service of at least ninety days to a location  
29 that is not included in or covered under the contract.

30          (2) This section applies to any contract to provide:

31          (a) Telecommunications services;

1       (b) Internet services;

2       (c) Television services;

3       (d) Athletic club or gym memberships;

4       (e) Satellite radio services; or

5       (f) A lease of residential rental property, notwithstanding any  
6 provision to the contrary in the Uniform Residential Landlord and Tenant  
7 Act or any other provision of law, if the servicemember is required to  
8 move into government-owned or leased housing.

9       (3) Termination of a contract must be made by delivery of a written  
10 or electronic notice of the termination and a copy of the servicemember's  
11 military orders to the service provider or lessor.

12       (4) For any contract terminated under this section, the service  
13 provider or lessor under the contract shall not impose an early  
14 termination charge.

15       (5) Any tax or any other obligation or liability of the  
16 servicemember that, in accordance with the terms of the contract, is due  
17 and unpaid at the time of termination of the contract shall be paid by  
18 the servicemember.

19       (6) If after termination provided under this section the  
20 servicemember resubscribes to a service provided under a contract  
21 described in subdivisions (2)(a) to (e) of this section or reenters into  
22 a lease under a contract described in subdivision (2)(f) of this section  
23 during the ninety-day period immediately following the servicemember's  
24 return from service, the service provider or lessor may not impose any  
25 service fees or charges other than the usual and customary fees and  
26 charges imposed on any other subscriber for the installation or  
27 acquisition of customer equipment or imposed on any other lessee for the  
28 rental of residential real property. A servicemember may not be charged a  
29 penalty, fee, loss of deposit, or any other additional cost because of  
30 such termination, resubscription, or rental.

31       (7) Not later than sixty days after the effective date of the

1 termination of a contract described in subsection (2) of this section,  
2 the service provider or lessor under the contract shall refund to the  
3 servicemember all fees or charges paid for services or rental that extend  
4 past the termination date of the contract.

5       Sec. 3. (1) A civil action may be brought in any court with  
6 jurisdiction by the Attorney General against any person that knowingly or  
7 intentionally violates any provision of section 2 of this act. The court  
8 may:

9       (a) Issue an injunction;

10       (b) Order the person to make a payment of money unlawfully received  
11 from, or required to be refunded to, one or more servicemembers;

12       (c) Order the person to pay to the state the reasonable costs of the  
13 Attorney General's investigation and prosecution related to the action;  
14 and

15       (d) Order the person to pay a civil penalty not greater than five  
16 thousand dollars per violation.

17       (2) Relief may not be granted under subsection (1) of this section  
18 if relief for the violation has already been granted under the federal  
19 Servicemembers Civil Relief Act.

20       Sec. 4. The Nebraska National Guard shall provide to its members a  
21 list of their rights under sections 2 and 3 of this act and under the  
22 federal Servicemembers Civil Relief Act.