
HOUSE BILL 2718

State of Washington 64th Legislature 2016 Regular Session

By Representatives Kilduff, McCabe, Muri, Wilson, Stanford, and
Jenkins

Read first time 01/19/16. Referred to Committee on Community
Development, Housing & Tribal Affairs.

1 AN ACT Relating to consumer protections for military members on
2 active duty; and adding a new section to chapter 38.40 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 38.40
5 RCW to read as follows:

6 (1) A service member who has obtained the following services may
7 terminate or suspend the provision of such services upon written
8 notice, including electronic mail, to the service provider as
9 provided in subsection (2) of this section:

10 (a) Telecommunication services from a telecommunications company,
11 as defined in RCW 80.04.010;

12 (b) Internet services provided from an internet service provider;

13 (c) Health studio services from a health studio, as defined in
14 RCW 19.142.010; and

15 (d) Subscription television services, as defined in RCW
16 9A.56.010, from a television service provider.

17 (2) The service member must provide written proof to the service
18 provider of the official orders showing that the service member has
19 been called into active service:

20 (a) At the time written notice is given; or

1 (b) If precluded by military necessity or circumstances that make
2 the provision of proof at the time of giving written notice
3 unreasonable or impossible, within ninety days after written notice
4 has been given.

5 (3) A termination or suspension of services under this section is
6 effective on the day written notice is given under subsection (2) of
7 this section. The termination or suspension of services may not
8 eliminate or alter any contractual obligation to pay for services
9 rendered before the effective date of the written notice, subject to
10 any applicable provision under chapter 38.42 RCW.

11 (4)(a) A service member who terminates or suspends the provisions
12 of services under this section may upon giving written notice,
13 including electronic mail, to the provider within ninety days after
14 termination of the service member's active service, reinstate the
15 provision of services:

16 (i) On the same terms and conditions as originally agreed upon
17 with the service provider before the termination or suspension, if
18 the service member was in active service no longer than twelve
19 consecutive months; or

20 (ii) On the same terms and conditions that have been offered by
21 the provider to any consumer at the lowest discounted or promotional
22 rate within the previous twelve-month period immediately before
23 termination of the service member's active service, if the service
24 member was in active service longer than twelve consecutive months.

25 (b) Upon receipt of the written notice of reinstatement, the
26 service provider must resume the provision of services or, if the
27 services are no longer available, provide substantially similar
28 services with a reasonable period of time not to exceed thirty days
29 from the date of receipt of the written notice of reinstatement.

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

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

35 (b) Is not liable for payment for any services after the
36 effective date of the termination or suspension, or until the
37 effective date of a reinstatement of services as described in
38 subsection (4) of this section.

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

4 (7) The definitions in this subsection apply throughout this
5 section unless the context clearly requires otherwise.

6 (a) "Active service" means a service member who is:

7 (i) Under a call to active service authorized by the president of
8 the United States or the secretary of defense under either Title 10
9 or Title 32 of the United States Code for a period of more than
10 thirty consecutive days; or

11 (ii) Under a call to active state service authorized by the
12 governor under RCW 38.08.040 for a period of more than thirty
13 consecutive days.

14 (b) "Service member" means any United States military active or
15 reserve component member, or any Washington national guard member.

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