H-3508.2

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**HOUSE BILL 2718**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Kilduff, McCabe, Muri, Wilson, Stanford, and Jinkins

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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