

E AND R AMENDMENTS TO LB 682

Introduced by Wishart, 27, Chairman Enrollment and Review

1           1. Strike the original sections and insert the following new  
2 sections:

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

4           (1) Military service means:

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

8           (i) Full-time training duty;

9           (ii) Annual training duty; and

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

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

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

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

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

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

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

25           Sec. 2. (1) In addition to the rights and protections regarding  
26 consumer transactions, contracts, and service providers included under  
27 the federal Servicemembers Civil Relief Act, a servicemember may

1 terminate a contract described in subsection (2) of this section at any  
2 time after the date the servicemember receives military orders to  
3 relocate for a period of service of at least ninety days to a location  
4 that is not included in or covered under the contract.

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

6 (a) Telecommunications services;

7 (b) Internet services;

8 (c) Television services;

9 (d) Athletic club or gym memberships;

10 (e) Satellite radio services; or

11 (f) A lease of residential rental property, notwithstanding any  
12 provision to the contrary in the Uniform Residential Landlord and Tenant  
13 Act or any other provision of law, if the servicemember is required to  
14 move into government-owned or leased housing. This subdivision does not  
15 apply to a lease of residential rental property in which a spouse of a  
16 servicemember is a tenant in such residential rental property and  
17 government-owned or leased housing is not available to such spouse.

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

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

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

28 (6) If after termination provided under this section the  
29 servicemember resubscribes to a service provided under a contract  
30 described in subdivisions (2)(a) through (e) of this section or reenters  
31 into a lease under a contract described in subdivision (2)(f) of this

1 section during the ninety-day period immediately following the  
2 servicemember's return from service, the service provider or lessor may  
3 not impose any service fees or charges other than the usual and customary  
4 fees and charges imposed on any other subscriber for the installation or  
5 acquisition of customer equipment or imposed on any other lessee for the  
6 rental of residential real property. A servicemember may not be charged a  
7 penalty, fee, loss of deposit, or any other additional cost because of  
8 such termination, resubscription, or rental.

9 (7) Not later than sixty days after the effective date of the  
10 termination of a contract described in subsection (2) of this section,  
11 the service provider or lessor under the contract shall refund to the  
12 servicemember all fees or charges paid for services or rental that extend  
13 past the termination date of the contract.

14 (8) In the case of a lease described in subdivision (2)(f) of this  
15 section that provides for monthly payment of rent, termination of the  
16 lease is effective thirty days after the first date on which the next  
17 rental payment is due and payable after the date on which the notice of  
18 termination under subsection (3) of this section is delivered. In the  
19 case of any other lease described in subdivision (2)(f) of this section,  
20 termination of the lease is effective on the last day of the month  
21 following the month in which the notice of termination is delivered.

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

26 (a) Issue an injunction;

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

29 (c) Order the person to pay to the state the reasonable costs of the  
30 Attorney General's investigation and prosecution related to the action;  
31 and

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

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

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