

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 682

FINAL READING

Introduced by Blood, 3; Brewer, 43; Crawford, 45.

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. This subdivision does not
9 apply to a lease of residential rental property in which a spouse of a
10 servicemember is a tenant in such residential rental property and
11 government-owned or leased housing is not available to such spouse.

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

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

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

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

1 penalty, fee, loss of deposit, or any other additional cost because of
2 such termination, resubscription, or rental.

3 (7) Not later than sixty days after the effective date of the
4 termination of a contract described in subsection (2) of this section,
5 the service provider or lessor under the contract shall refund to the
6 servicemember all fees or charges paid for services or rental that extend
7 past the termination date of the contract. Upon the termination of a
8 rental agreement described in subdivision (2)(f) of this section, the
9 servicemember is entitled to the return of any deposit or prepaid rent
10 subject to section 76-1416.

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

20 (9) This section shall not be construed so as to impair or affect
21 the obligation of any lawful contract in existence prior to the effective
22 date of this act.

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

27 (a) Issue an injunction;

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

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

1 and

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

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

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