

4786

2015-2016 Regular Sessions

I N S E N A T E

April 17, 2015

Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the military law, in relation to the termination, suspension or reinstatement without penalty of certain service contracts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The military law is amended by adding a new section 311-c
2 to read as follows:
3 S 311-C. TERMINATION, SUSPENSION OR REINSTATEMENT WITHOUT PENALTY OF
4 CERTAIN SERVICE CONTRACTS. 1. THE PROVISIONS OF THIS SECTION SHALL APPLY
5 TO EVERY CONTRACT FOR SERVICES FROM A TELECOMMUNICATIONS SERVICE PROVID-
6 ER, AN INTERNET SERVICE PROVIDER, A HEALTH CLUB AS DEFINED IN SECTION
7 SIX HUNDRED TWENTY-ONE OF THE GENERAL BUSINESS LAW, A HEALTH SPA, OR A
8 PROVIDER OF TELEVISION SERVICES, INCLUDING BUT NOT LIMITED TO CABLE
9 TELEVISION, DIRECT SATELLITE AND OTHER TELEVISION-LIKE SERVICES, IN ANY
10 CASE IN WHICH SUCH CONTRACT WAS EXECUTED BY OR ON BEHALF OF A PERSON
11 WHO, AFTER THE EXECUTION OF SUCH CONTRACT, ENTERED ACTIVE MILITARY
12 SERVICE.
13 2. (A) ANY CONTRACT DESCRIBED IN SUBDIVISION ONE OF THIS SECTION MAY
14 BE TERMINATED OR SUSPENDED BY WRITTEN NOTICE DELIVERED TO THE SERVICE
15 PROVIDER BY SUCH PERSON IN ACTIVE MILITARY SERVICE CANCELING OR SUSPEND-
16 ING HIS OR HER CONTRACT WITHIN ONE WEEK OF HIS OR HER RECEIPT OF ORDERS
17 TO REPORT FOR MILITARY SERVICE. SUCH NOTICE SHALL INCLUDE A COPY OF THE
18 ORDERS IN QUESTION. IF MILITARY NECESSITY OR CIRCUMSTANCES MAKE THE
19 PROVISION OF A COPY OF THE ORDERS AT THE TIME WRITTEN NOTICE IS DELIV-
20 ERED UNREASONABLE OR IMPOSSIBLE, SUCH ORDERS SHALL BE PROVIDED WITHIN
21 NINETY DAYS AFTER WRITTEN NOTICE HAS BEEN DELIVERED.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 (B) DELIVERY OF SUCH NOTICE SHALL BE ACCOMPLISHED BY CERTIFIED MAIL
2 DULY ADDRESSED TO THE SERVICE PROVIDER AND TERMINATION OR SUSPENSION OF
3 SERVICES SHALL BE DEEMED EFFECTIVE ON THE DATE SUCH NOTICE IS MAILED.

4 3. (A) A PERSON WHO TERMINATES OR SUSPENDS THE PROVISION OF SERVICES
5 UNDER THIS SECTION AND WHO IS NO LONGER IN ACTIVE SERVICE MAY REINSTATE
6 THE PROVISION OF SERVICES ON THE SAME TERMS AND CONDITIONS AS ORIGINALLY
7 AGREED TO WITH THE SERVICE PROVIDER BEFORE THE TERMINATION OR SUSPENSION
8 UPON WRITTEN NOTICE TO THE SERVICE PROVIDER THAT THE PERSON IS NO LONGER
9 IN ACTIVE SERVICE. SUCH WRITTEN NOTICE SHALL BE GIVEN WITHIN NINETY DAYS
10 AFTER THE TERMINATION OF THE PERSON'S ACTIVE SERVICE.

11 (B) UPON RECEIPT OF THE WRITTEN NOTICE OF REINSTATEMENT, THE SERVICE
12 PROVIDER SHALL RESUME THE PROVISION OF SERVICES OR, IF THE SERVICES ARE
13 NO LONGER AVAILABLE, PROVIDE SUBSTANTIALLY SIMILAR SERVICES WITHIN A
14 REASONABLE TIME NOT TO EXCEED THIRTY DAYS FROM THE DATE OF RECEIPT OF
15 THE WRITTEN NOTICE OF REINSTATEMENT.

16 4. A PERSON WHO TERMINATES, SUSPENDS OR REINSTATES THE PROVISION OF
17 SERVICES UNDER THIS SECTION:

18 (A) MAY NOT BE CHARGED A PENALTY, FEE, LOSS OF DEPOSIT, OR ANY OTHER
19 ADDITIONAL COST BECAUSE OF THE TERMINATION, SUSPENSION OR REINSTATEMENT;
20 AND

21 (B) IS NOT LIABLE FOR PAYMENT FOR ANY SERVICES AFTER THE EFFECTIVE
22 DATE OF THE TERMINATION OR SUSPENSION, OR UNTIL THE EFFECTIVE DATE OF A
23 REINSTATEMENT OF SERVICES AS DESCRIBED IN SUBDIVISION THREE OF THIS
24 SECTION.

25 S 2. This act shall take effect immediately.