S T A T E O F N E W Y O R K

4786--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

Section 1. The military law is amended by adding a new section 311-c to read as follows:

S 311-C. TERMINATION WITHOUT PENALTY OF CERTAIN SERVICE CONTRACTS. 1. THE PROVISIONS OF THIS SECTION SHALL APPLY TO EVERY CONTRACT FOR SERVICES FROM A TELECOMMUNICATIONS SERVICE PROVIDER, AN INTERNET SERVICE PROVIDER, A HEALTH CLUB AS DEFINED IN SECTION SIX HUNDRED TWENTY-ONE OF THE GENERAL BUSINESS LAW, A HEALTH SPA, OR A PROVIDER OF TELEVISION SERVICES, INCLUDING BUT NOT LIMITED TO CABLE TELEVISION, DIRECT SATELLITE AND OTHER TELEVISION-LIKE SERVICES, IN ANY CASE IN WHICH: (A) SUCH CONTRACT WAS EXECUTED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION BY OR ON BEHALF OF A PERSON WHO, AFTER THE EXECUTION OF SUCH CONTRACT, ENTERED ACTIVE MILITARY SERVICE FOR NINETY DAYS OR LONGER; AND (B) THE PERSON'S MILITARY SERVICE IS AT A LOCATION WHERE THE SERVICE PROVIDER CANNOT PROVIDE THE SERVICES COVERED BY THE CONTRACT.

2. (A) ANY CONTRACT DESCRIBED IN SUBDIVISION ONE OF THIS SECTION MAY BE TERMINATED WITHOUT PENALTY BY WRITTEN NOTICE DELIVERED TO THE SERVICE PROVIDER BY SUCH PERSON IN ACTIVE MILITARY SERVICE CANCELING HIS OR HER CONTRACT WITHIN FOURTEEN DAYS OF HIS OR HER RECEIPT OF ORDERS TO REPORT FOR MILITARY SERVICE. SUCH NOTICE SHALL INCLUDE A COPY OF THE ORDERS IN QUESTION.

(B) DELIVERY OF SUCH NOTICE SHALL BE IN ACCORDANCE WITH INDUSTRY STANDARDS FOR NOTIFICATION OF TERMINATIONS, TOGETHER WITH THE FUTURE DATE ON WHICH THE SERVICE IS TO BE TERMINATED.

S 2. This act shall take effect immediately.

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

LBD10473-02-5