

4786--A

2015-2016 Regular Sessions

I N   S E N A T E

April 17, 2015

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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:

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

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

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

24    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