

SENATE FILE NO. SF0035

Military Service Relief Act additional protections.

Sponsored by: Joint Transportation, Highways & Military  
Affairs Interim Committee

A BILL

for

1 AN ACT relating to defense forces and affairs; providing  
2 servicemembers protections when terminating, suspending or  
3 reinstating contract services; requiring notice; making  
4 conforming amendments; providing applicability;  
5 establishing a penalty; and providing for an effective  
6 date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 19-11-125 is created to read:

11

12 **19-11-125. Termination, suspension or reinstatement**  
13 **of contract services.**

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1           (a) A person ordered to active service in the  
2 uniformed services, or a person already in active service  
3 in the uniformed services and transferred, for a period of  
4 more than thirty (30) but not more than one hundred eighty  
5 (180) consecutive days may suspend, or for more than one  
6 hundred eighty (180) days may terminate or suspend, a  
7 service contract described in subsection (b) of this  
8 section at any time after the date the person receives  
9 military orders, provided the person complies with the  
10 notice requirements in subsection (c) of this section.

11

12           (b) Service contracts subject to subsection (a) of  
13 this section include contracts issued or renewed on or  
14 after July 1, 2018, subject to Wyoming law, which provide  
15 any of the following:

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17                   (i) Telecommunication services;

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19                   (ii) Internet services;

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21                   (iii) Television services including cable  
22 television, satellite and other television like services;

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1           (iv) Athletic club or gym memberships;

2

3           (v) Satellite radio or communication services;

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5           (vi) Other services provided pursuant to a  
6 contract that requires periodic and ongoing payments.

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8           (c) To terminate or suspend a service contract  
9 pursuant to this section a uniformed services member or  
10 spouse of a uniformed services member shall deliver to the  
11 holder of the service contract a written or electronic  
12 notice of the suspension or termination and a copy of the  
13 member's military orders. Termination or suspension is  
14 effective on the date specified in the notice, or ten (10)  
15 days after the date the notice was sent, whichever is  
16 later. Suspension shall continue until the member or spouse  
17 of a uniformed services member reinstates service by  
18 delivering to the holder of the service contract a written  
19 or electronic notice of reinstatement. The contract holder  
20 shall resume providing services effective not more than ten  
21 (10) business days after the date specified in the notice,  
22 or ten (10) days after the date the notice was sent,  
23 whichever is later. A service member who terminates,

1 suspends or reinstates services may not be charged any  
2 penalty, interest, fee, loss of deposit or other cost  
3 because of the termination, suspension or reinstatement. A  
4 service contract described in this subsection may be  
5 contracted together with or separately by the spouse of the  
6 person ordered to service in the uniformed services,  
7 provided that at the time under contract the spouse resides  
8 with the person.

9

10 (d) Nothing in this section shall prohibit a holder  
11 of a service contract from requiring the return of tangible  
12 property before suspending or terminating the contractual  
13 obligations of a person in subsection (a) of this section.

14

15 (e) Any person who knowingly violates the protections  
16 provided to a person in subsection (a) of this section, or  
17 any person in subsection (a) of this section who obtains  
18 protections under this section through fraudulent means,  
19 shall be guilty of a misdemeanor punishable by a fine not  
20 to exceed one thousand dollars (\$1,000.00).

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1           **Section**           **2.** W.S.           19-10-106,           19-11-101,  
2 19-11-103(a) (xii), 19-11-122(b) through (d) are amended to  
3 read:

4

5           **19-10-106. Application of Military Service Relief**  
6 **Act.**

7

8 The Military Service Relief Act, W.S. 19-11-101 through  
9 ~~19-11-124~~ 19-11-125, shall apply to members of the Wyoming  
10 state guard.

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12           **19-11-101. Title.**

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14 As used in this article, "this article" means W.S.  
15 19-11-101 through ~~19-11-124~~ 19-11-125.

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17           **19-11-103. Definitions.**

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19           (a) As used in this article, unless the context  
20 clearly requires otherwise:

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22                   (xii) "This act" means W.S. 19-11-101 through  
23 ~~19-11-124~~ 19-11-125.

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2           **19-11-122. Servicemembers Civil Relief Act;**  
3 **application to national guard; penalty for violation of**  
4 **rights; enforcement; preferences.**

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6           (b) Any person who knowingly violates the protections  
7 provided to members of the Wyoming national guard pursuant  
8 to subsection (a) of this section or W.S. 19-11-125 shall  
9 be guilty of a misdemeanor punishable by a fine not to  
10 exceed one thousand dollars (\$1,000.00).

11

12           (c) The protections afforded to members of the  
13 Wyoming national guard pursuant to subsection (a) of this  
14 section or W.S. 19-11-125 may serve as the basis for an  
15 action or as a defense. The courts of this state that  
16 would otherwise have jurisdiction over a case shall have  
17 jurisdiction over proceedings involving the Servicemembers  
18 Civil Relief Act, ~~and~~ the Uniformed Services Employment and  
19 Reemployment Rights Act and W.S. 19-11-125, which shall be  
20 governed by the rules applicable to ordinary proceedings.

21

22           (d) The courts shall give preference in scheduling  
23 ~~such~~ proceedings pursuant to subsection (c) of this

1 section, upon the motion of any person in the uniformed  
2 services, or the person's attorney, who presents  
3 certification that the person has performed service in the  
4 uniformed services or is in service in the uniformed  
5 services.

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7 **Section 3.** This act is effective July 1, 2018.

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(END)