
SUBSTITUTE HOUSE BILL 2718

State of Washington

64th Legislature

2016 Regular Session

By House Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Kilduff, McCabe, Muri, Wilson, Stanford, and Jinkins)

READ FIRST TIME 02/01/16.

1 AN ACT Relating to consumer protections for military members on
2 active duty; adding a new section to chapter 38.40 RCW; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 38.40
6 RCW to read as follows:

7 (1) A service member who has obtained the following services may
8 terminate or suspend the provision of such services upon written
9 notice, including electronic mail, to the service provider as
10 provided in subsection (2) of this section:

11 (a) Telecommunication services from a telecommunications company,
12 as defined in RCW 80.04.010, except as provided in subsection (6) of
13 this section;

14 (b) Internet services provided from an internet service provider;

15 (c) Health studio services from a health studio, as defined in
16 RCW 19.142.010; and

17 (d) Subscription television services, as defined in RCW
18 9A.56.010, from a television service provider.

19 (2) The service member must provide written proof to the service
20 provider of the official orders showing that the service member has
21 been called into active service:

1 (a) At the time written notice is given; or

2 (b) If precluded by military necessity or circumstances that make
3 the provision of proof at the time of giving written notice
4 unreasonable or impossible, within ninety days after written notice
5 has been given.

6 (3) A termination or suspension of services under this section is
7 effective on the day written notice is given under subsection (2) of
8 this section. The termination or suspension of services may not
9 eliminate or alter any contractual obligation to pay for services
10 rendered before the effective date of the written notice, subject to
11 any applicable provision under chapter 38.42 RCW.

12 (4)(a) A service member who terminates or suspends the provisions
13 of services under this section may upon giving written notice,
14 including electronic mail, to the provider within ninety days after
15 termination of the service member's active service, reinstate the
16 provision of services:

17 (i) On the same terms and conditions as originally agreed upon
18 with the service provider before the termination or suspension, if
19 the service member was in active service no longer than twelve
20 consecutive months; or

21 (ii) On the same terms and conditions that have been offered by
22 the provider to any consumer at the lowest discounted or promotional
23 rate within the previous twelve-month period immediately before
24 termination of the service member's active service, if the service
25 member was in active service longer than twelve consecutive months.

26 (b) Upon receipt of the written notice of reinstatement, the
27 service provider must resume the provision of services or, if the
28 services are no longer available, provide substantially similar
29 services within a reasonable period of time not to exceed thirty days
30 from the date of receipt of the written notice of reinstatement.

31 (5) A service member who terminates, suspends, or reinstates the
32 provision of services under this section:

33 (a) May not be charged a penalty, fee, loss of deposit, or any
34 other additional cost because of the termination, suspension, or
35 reinstatement; and

36 (b) Is not liable for payment for any services after the
37 effective date of the termination or suspension, or until the
38 effective date of a reinstatement of services as described in
39 subsection (4) of this section.

1 (6) A service member may terminate a contract for any service
2 provided by a commercial mobile radio services provider in accordance
3 with 50 U.S.C. Sec. 3956.

4 (7) Civil proceedings to enforce this section may be brought by
5 the attorney general against any person that:

6 (a) Engages in a pattern or practice of violating this section;
7 or

8 (b) Engages in a violation of this section that raises an issue
9 of significant public importance.

10 (8) In a civil action commenced under subsection (7)(a) of this
11 section, the court may:

12 (a) Grant any appropriate equitable or declaratory relief with
13 respect to the violation of this section;

14 (b) Award all other appropriate relief, including monetary
15 damages, to any person aggrieved by the violation; and

16 (c) May, to vindicate the public interest, assess a civil
17 penalty:

18 (i) In an amount not exceeding fifty-five thousand dollars for a
19 first violation; and

20 (ii) In an amount not exceeding one hundred ten thousand dollars
21 for any subsequent violation.

22 (9) The legislature finds that the practices covered by this
23 section are matters vitally affecting the public interest for the
24 purpose of applying the consumer protection act, chapter 19.86 RCW. A
25 violation of this section is not reasonable in relation to the
26 development and preservation of business and is an unfair or
27 deceptive act in trade or commerce and an unfair method of
28 competition for the purpose of applying the consumer protection act,
29 chapter 19.86 RCW.

30 (10) The definitions in this subsection apply throughout this
31 section unless the context clearly requires otherwise.

32 (a) "Active service" means a service member who is:

33 (i) Under a call to active service authorized by the president of
34 the United States or the secretary of defense under either Title 10
35 or Title 32 of the United States Code for a period of more than
36 thirty consecutive days; or

37 (ii) Under a call to active state service authorized by the
38 governor under RCW 38.08.040 for a period of more than thirty
39 consecutive days.

1 (b) "Service member" means any United States military active or
2 reserve component member, or any Washington national guard member.

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