



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2005 Senate Bill 691**

**Senate Amendment 2**

*Memo published:* April 20, 2006

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*Senate Bill 691* permits a person in military service to terminate a mobile telephone contract if the person entered into the contract prior to entering active military service and the contract is for more than one month. The contract may be terminated without any penalties or additional fees after the service member's period of active duty begins by giving notice in writing by first class mail to the mobile telephone service provider ("provider"). The termination takes effect 30 days after the date on which the next payment is due and payable after the notice is mailed. The provider must refund any amount paid in advance under the contract for a period after the effective date of the termination. After receiving notice and before the termination date, the provider can apply to a court for any modification or restriction of the termination that the court feels is appropriate.

*Senate Amendment 2:* (1) permits the written notice to be delivered to a branch office of the provider rather than mailed; (2) requires the service member to include a copy of the orders into active duty with the notice; (3) allows the service member to request termination of the lease upon receipt of active duty orders, rather than having to wait until active duty begins; and (4) entitles the service member to three times the amount of the penalty or fee assessed or refund denied, if the provider knowingly assesses a penalty or fee, or fails to make a required refund, after the person terminates the contract.

### *Legislative History*

On April 17, 2006, the Senate Committee on Judiciary, Corrections and Privacy introduced and adopted Senate Amendment 2 to Senate Bill 691 and recommended passage of the bill, as amended by Senate Amendment 2, on votes of Ayes, 4; Noes, 1.

RS:jal