

HOUSE BILL 1614

E4, I4, K3

8lr2566
CF 8lr2941

By: **Delegates Valentino–Smith, Afzali, D. Barnes, Ciliberti, Frush, McDonough, McMillan, Sanchez, Wilson, and P. Young**

Introduced and read first time: February 9, 2018

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Military Service Members – Civil Relief**

3 FOR the purpose of providing that certain rights granted to members of the Maryland
4 National Guard under this Act are in addition to the rights granted by federal law;
5 establishing that the intent of this Act is to supplement certain rights and
6 protections provided by a certain federal statute; authorizing a certain service
7 member to terminate a certain contract at a certain time under certain
8 circumstances; providing for the method by which a certain service member may
9 terminate a certain contract; requiring a certain service provider to provide a service
10 member with a certain notice under certain circumstances; authorizing a certain
11 service member to reinstate the provision of a certain service in a certain manner
12 under certain circumstances; prohibiting a certain service member from being
13 charged certain costs under certain circumstances; providing that a certain service
14 member is not liable for the payment for certain services after a certain date; defining
15 certain terms; and generally relating to the rights of individuals engaged in military
16 service.

17 BY repealing and reenacting, with amendments,
18 Article – Public Safety
19 Section 13–704
20 Annotated Code of Maryland
21 (2011 Replacement Volume and 2017 Supplement)

22 BY adding to
23 Article – Public Safety
24 Section 13–704.1
25 Annotated Code of Maryland
26 (2011 Replacement Volume and 2017 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Public Safety**

3 13–704.

4 (a) The rights granted to members of the National Guard by this section **AND §**
5 **13–704.1 OF THIS SUBTITLE** shall be in addition to the rights granted to them by federal
6 law, including the Servicemembers Civil Relief Act and the Uniformed Services
7 Employment and Reemployment Rights Act.

8 (b) (1) The following provisions of federal law shall be adopted as State law
9 and applied to members of the National Guard as described therein.

10 (2) The Servicemembers Civil Relief Act applies only when members of the
11 National Guard are ordered to military duty under this title or Title 10 or Title 32 of the
12 United States Code for a period of 14 consecutive days or longer.

13 (3) The Uniformed Services Employment and Reemployment Rights Act
14 applies to the following individuals when ordered to military duty for any period of time:

15 (i) members of the National Guard when ordered to military duty
16 under this title or Title 10 or Title 32 of the United States Code, whether or not the member
17 is a resident of or employed in this State; and

18 (ii) residents of this State who are members of the National Guard
19 in another state or the District of Columbia, when ordered to military duty by the chief
20 executive officer of that jurisdiction or under Title 10 or Title 32 of the United States Code.

21 (c) (1) A member of the National Guard whose employment and reemployment
22 rights under this section have been violated may bring a civil action for economic damages,
23 including lost wages and benefits.

24 (2) If the court determines that a member of the National Guard is entitled
25 to judgment in an action filed under this subsection, the court may award the member:

26 (i) any damages to which the member may be entitled under
27 subsection (a) of this section;

28 (ii) reasonable counsel fees and other costs; and

29 (iii) any other appropriate relief.

30 **13–704.1.**

31 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**

1 INDICATED.

2 (2) "MILITARY SERVICE" MEANS:

3 (I) IN THE CASE OF A SERVICE MEMBER WHO IS A MEMBER OR
4 RESERVE MEMBER OF THE ARMY, NAVY, AIR FORCE, MARINE CORPS, OR COAST
5 GUARD, FULL-TIME DUTY IN THE ACTIVE MILITARY SERVICE OF THE UNITED
6 STATES, INCLUDING:

7 1. FULL-TIME TRAINING DUTY;

8 2. ANNUAL TRAINING DUTY; AND

9 3. ATTENDANCE WHILE AT A SCHOOL DESIGNATED AS A
10 SERVICE SCHOOL BY FEDERAL LAW OR BY THE SECRETARY OF THE MILITARY
11 DEPARTMENT CONCERNED;

12 (II) IN THE CASE OF A MEMBER OR RESERVE MEMBER OF THE
13 MARYLAND NATIONAL GUARD, SERVICE UNDER A CALL TO:

14 1. ACTIVE SERVICE AUTHORIZED BY THE PRESIDENT OF
15 THE UNITED STATES OR THE SECRETARY OF DEFENSE FOR A PERIOD OF MORE
16 THAN 30 DAYS IN RESPONSE TO A NATIONAL EMERGENCY DECLARED BY THE
17 PRESIDENT OF THE UNITED STATES; OR

18 2. ACTIVE DUTY FOR A PERIOD OF MORE THAN 30
19 CONSECUTIVE DAYS;

20 (III) IN THE CASE OF A SERVICE MEMBER WHO IS A
21 COMMISSIONED OFFICER OF THE PUBLIC HEALTH SERVICE OR THE NATIONAL
22 OCEANIC AND ATMOSPHERIC ADMINISTRATION, ACTIVE SERVICE; OR

23 (IV) ANY PERIOD DURING WHICH A SERVICE MEMBER IS ABSENT
24 FROM DUTY ON ACCOUNT OF SICKNESS, WOUNDS, LEAVE, OR OTHER LAWFUL CAUSE.

25 (3) "SERVICE MEMBER" MEANS AN INDIVIDUAL ENGAGED IN
26 MILITARY SERVICE.

27 (B) THIS SECTION IS INTENDED TO SUPPLEMENT RIGHTS AND
28 PROTECTIONS PROVIDED IN THE FEDERAL SERVICEMEMBERS CIVIL RELIEF ACT
29 (50 U.S.C. APP. 501 ET SEQ.).

30 (C) (1) IN ADDITION TO THE RIGHTS AND PROTECTIONS REGARDING

1 CONSUMER TRANSACTIONS, CONTRACTS, AND SERVICE PROVIDERS INCLUDED IN
2 TITLE III OF THE FEDERAL SERVICEMEMBERS CIVIL RELIEF ACT (50 U.S.C. APP.
3 531 THROUGH 538), A SERVICE MEMBER MAY TERMINATE A CONTRACT DESCRIBED
4 IN PARAGRAPH (2) OF THIS SUBSECTION AT ANY TIME AFTER THE DATE THE
5 SERVICE MEMBER RECEIVES MILITARY ORDERS TO RELOCATE FOR A PERIOD OF
6 MILITARY SERVICE OF AT LEAST 90 DAYS TO A LOCATION WHERE THE SERVICE
7 MEMBER WOULD BE UNABLE TO USE THE SERVICES UNDER THE CONTRACT.

8 (2) THIS SECTION APPLIES TO A CONTRACT TO PROVIDE ANY OF THE
9 FOLLOWING:

10 (I) TELECOMMUNICATION SERVICES;

11 (II) INTERNET SERVICES;

12 (III) TELEVISION SERVICES;

13 (IV) ATHLETIC CLUB OR GYM MEMBERSHIPS; AND

14 (V) SATELLITE RADIO SERVICES.

15 (3) (I) A SERVICE MEMBER MAY TERMINATE A CONTRACT UNDER
16 THIS SECTION BY DELIVERING A WRITTEN OR ELECTRONIC NOTICE OF THE
17 TERMINATION AND A COPY OF THE SERVICE MEMBER'S MILITARY ORDERS TO THE
18 SERVICE PROVIDER.

19 (II) IF A SERVICE MEMBER TERMINATES A CONTRACT, THE
20 SERVICE PROVIDER SHALL PROVIDE THE SERVICE MEMBER WITH A WRITTEN OR
21 ELECTRONIC NOTICE OF THE SERVICE MEMBER'S RIGHTS POSTED ON THE
22 MARYLAND NATIONAL GUARD'S INTERNET WEBSITE.

23 (D) (1) A SERVICE MEMBER WHO TERMINATES OR SUSPENDS THE
24 PROVISION OF SERVICES UNDER THIS SECTION AND WHO IS NO LONGER IN ACTIVE
25 MILITARY SERVICE MAY REINSTATE THE PROVISION OF SERVICE ON THE SAME
26 TERMS AND CONDITIONS AS ORIGINALLY AGREED TO WITH THE SERVICE PROVIDER
27 BEFORE THE TERMINATION OR SUSPENSION ON WRITTEN NOTICE TO THE PROVIDER
28 THAT THE SERVICE MEMBER IS NO LONGER IN ACTIVE MILITARY SERVICE.

29 (2) WRITTEN NOTICE UNDER THIS SUBSECTION SHALL BE GIVEN
30 WITHIN 90 DAYS AFTER TERMINATION OF THE SERVICE MEMBER'S ACTIVE MILITARY
31 SERVICE.

32 (E) A SERVICE MEMBER WHO TERMINATES, SUSPENDS, OR REINSTATES THE

1 PROVISION OF SERVICES UNDER THIS SECTION:

2 (1) MAY NOT BE CHARGED A PENALTY, FEE, LOSS OF DEPOSIT, OR ANY
3 OTHER ADDITIONAL COST BECAUSE OF THE TERMINATION, SUSPENSION, OR
4 REINSTATEMENT; AND

5 (2) IS NOT LIABLE FOR PAYMENT FOR ANY SERVICES AFTER THE
6 EFFECTIVE DATE OF THE TERMINATION OR SUSPENSION, UNTIL THE EFFECTIVE
7 DATE OF ANY REINSTATEMENT OF SERVICES.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2018.