

SENATE BILL NO. 114

BY SENATORS PEACOCK, ALLAIN, CORTEZ, MARTINY, MIZELL, THOMPSON
AND WHITE

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AN ACT

To amend and reenact R.S. 29:402(C) and 422(A) and to enact R.S. 29:418.2, relative to the Military Service Relief Act; to provide relative to contracts; to provide for suspension or termination of contracts under certain circumstances; to provide for procedures, terms, and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:402(C) and 422(A) are hereby amended and reenacted and R.S. 29:418.2 is hereby enacted to read as follows:

§402. Purpose

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C. The provisions of this Part are intended to be supplemental to any rights that persons called to military service have under any applicable federal statutes, particularly, the Servicemembers Civil Relief Act, ~~50 App. U.S.C. 501 et seq.~~ **50 U.S.C. 3901 et seq.** and the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq., and under any other applicable laws of this state.

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§418.2. Service contracts; suspension or termination during service in the uniformed services

A. A person called to service in the uniformed services may suspend or terminate the following contracts as provided in this Section. The suspension or termination may be made by the person at any time after receiving military orders to relocate, for a period of service of at least ninety days, to a location that does not support the contracts.

B. The contracts that may be suspended or terminated are:

1 **(1) Telecommunications services, excluding cellular phone and wireless**
2 **service plan contracts subject to the provisions of R.S. 29:418.1.**

3 **(2) Internet services.**

4 **(3) Telephone services.**

5 **(4) Athletic club or gym memberships.**

6 **(5) Satellite radio services.**

7 **(6) Television services, including but not limited to cable television,**
8 **direct satellite, and other television-like services.**

9 **(7) Utility services.**

10 **C.(1) Suspension.**

11 **(a) The contract may be suspended for a period not exceeding thirty**
12 **days after discharge from active military service. The suspension shall be**
13 **without imposition of any charge, and shall be effective on the day notice is**
14 **given by the person to the service provider. The notice shall include a copy of**
15 **the person's military orders.**

16 **(b) To reactivate service, the person shall notify the service provider**
17 **within thirty days of the date of his discharge from active military service. No**
18 **fee shall be charged for reactivation.**

19 **(2) Termination. A contract may be terminated by notice requesting**
20 **termination of the contract. A copy of the person's military orders shall be**
21 **included in the notice. No termination or cancellation fee or penalty shall be**
22 **imposed, and termination shall become effective on the day notice is given to the**
23 **service provider.**

24 **(3) Notice to the service provider shall be made in writing or by**
25 **electronic communication.**

26 **(4) The provisions of this Section shall supersede and control to the**
27 **extent of conflict with any other provision of law. A contract provision in**
28 **conflict with the provisions of this Section, or that attempts to waive the**
29 **provisions of this Section, shall be void and unenforceable as contrary to public**
30 **policy.**

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§422. Enforcement of Servicemembers Civil Relief Act; Uniformed Services
Employment and Reemployment Rights Act; notice requirements

A.(1) The provisions of the Servicemembers Civil Relief Act (~~50 App. U.S.C. 501 et seq.~~) (**50 U.S.C. 3901 et seq.**) (SCRA) and the Uniformed Services
Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.) (USERRA) are
adopted and made a part of this Part, and all of the benefits, protections, and rights
provided in SCRA and USERRA shall be applicable to all persons called to service
in the uniformed services as defined in R.S. 29:403 and shall be enforceable pursuant
to the provisions of this Section.

(2) The Louisiana Workforce Commission shall make available the following
notice that every employer shall post in a conspicuous place in each employment
establishment:

"If you are in the national guard, military reserves, or active in the military,
you have certain protected employment and reemployment rights, freedom from
discrimination rights, and civil relief rights under federal law 38 U.S.C. 4301 et seq.
(USERRA) and ~~50 App. U.S.C. 501 et seq.~~ **50 U.S.C. 3901 et seq.** (SCRA) and state
law R.S. 29:401 et seq. (MSRA). If you feel that you have been discriminated against
or denied such rights on account of your service in the uniformed services, contact
the Employer Support **of the** Guard and Reserve Committee at 1-800-336-4590."

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____