

IC 10-16-20

Chapter 20. Servicemembers Civil Relief Act

IC 10-16-20-1

Violations; application

Sec. 1. A violation of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is a violation of this chapter. This chapter is intended to supplement rights and protections provided in the federal Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.).

As added by P.L.156-2015, SEC.4.

IC 10-16-20-2

Definitions

Sec. 2. The following definitions apply throughout this chapter:

(1) "Military service" means:

(A) in the case of a servicemember who is a member or reserve member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, full-time duty in the active military service of the United States, including:

- (i) full-time training duty;
- (ii) annual training duty; and
- (iii) attendance while at a school designated as a service school by federal law or by the secretary of the military department concerned;

(B) in the case of a member or reserve member of the Indiana National Guard, service under a call to active:

- (i) service authorized by the President of the United States or the Secretary of Defense for a period of more than thirty (30) days in response to a national emergency declared by the President of the United States; or
- (ii) duty as defined by IC 10-16-7-23(a) for a period of more than thirty (30) consecutive days;

(C) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service; or

(D) any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(2) "Servicemember" means an individual engaged in military service.

As added by P.L.156-2015, SEC.4.

IC 10-16-20-3

Rights and protections of servicemember's dependent

Sec. 3. After giving notice to a plaintiff, as applicable, the dependent of a servicemember has the same rights and protections provided to a servicemember under Title II of the federal

Servicemembers Civil Relief Act (50 U.S.C. App. 521 through 527).
 As added by P.L.156-2015, SEC.4.

IC 10-16-20-4

Contract terminations; resubscriptions; refunds

Sec. 4. (a) In addition to the rights and protections regarding consumer transactions, contracts, and service providers included in Title III of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 531 through 538), a servicemember may terminate a contract described in subsection (b) at any time after the date the servicemember receives military orders to relocate for a period of service of at least ninety (90) days to a location that does not support the contract.

(b) This section applies to a contract to provide any of the following:

- (1) Telecommunication services.
- (2) Internet services.
- (3) Television services.
- (4) Athletic club or gym memberships.
- (5) Satellite radio services.

(c) Termination of a contract must be made by delivery of a written or electronic notice of the termination and a copy of the servicemember's military orders to the service provider. If a servicemember terminates a contract, the service provider shall provide the servicemember with a written or electronic notice of the servicemember's rights posted on the Indiana National Guard's Internet web site as required by IC 10-16-6-13.

(d) For any contract terminated under this section, the service provider under the contract may not impose an early termination charge.

(e) Any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid at the time of termination of the contract shall be paid by the servicemember.

(f) If the servicemember resubscribes to the service provided under a contract described in subsection (b) that was terminated under this chapter during the ninety (90) day period immediately following when the servicemember has returned from service, the service provider may not impose any charges or services fees, other than the usual and customary charges and fees for the installation or acquisition of customer equipment imposed on any other subscriber.

(g) Not later than sixty (60) days after the effective date of the termination of a contract described in subsection (b), the service provider under the contract shall refund to the servicemember all fees paid for services that extend past the termination date of the contract.

As added by P.L.156-2015, SEC.4.

IC 10-16-20-5

Civil action to enforce chapter

Sec. 5. A civil action to enforce this chapter or IC 10-16-7-23 may be brought in any court with jurisdiction by the attorney general against any person that knowingly or intentionally violates any provision of this chapter. The court may:

- (1) issue an injunction;
- (2) order the person to make a payment of money;
 - (A) unlawfully received from; or
 - (B) required to be refunded to;one (1) or more servicemembers;
- (3) order the person to pay to the state the reasonable costs of the attorney general's investigation and prosecution related to the action; and
- (4) order the person to pay to the state a civil penalty not greater than five thousand dollars (\$5,000) per violation.

However, a court may not proceed if relief from the violation has already been granted under the federal Servicemembers Civil Relief Act.

As added by P.L.156-2015, SEC.4.