

electronic notice of such termination and a copy of the servicemember's military orders to the service provider, delivered in accordance with industry standards for notification of terminations, together with the date on which the service is to be terminated.

(b) Covered contracts

A contract described in this subsection is a contract for cellular telephone service or telephone exchange service entered into by the servicemember before receiving the military orders referred to in subsection (a)(1).

(c) Retention of telephone number

In the case of a contract terminated under subsection (a) by a servicemember whose period of relocation is for a period of three years or less, the service provider under the contract shall, notwithstanding any other provision of law, allow the servicemember to keep the telephone number the servicemember has under the contract if the servicemember re-subscribes to the service during the 90-day period beginning on the last day of such period of relocation.

(d) Family plans

In the case of a contract for cellular telephone service entered into by any individual in which a servicemember is a designated beneficiary of the contract, the individual who entered into the contract may terminate the contract—

(1) with respect to the servicemember if the servicemember is eligible to terminate contracts pursuant to subsection (a); and

(2) with respect to all of the designated beneficiaries of such contract if all such beneficiaries accompany the servicemember during the servicemember's period of relocation.

(e) Other obligations and liabilities

For any contract terminated under this section, the service provider under the contract may not impose an early termination charge, but any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination of the contract shall be paid or performed by the servicemember. If the servicemember re-subscribes to the service provided under a covered contract during the 90-day period beginning on the last day of the servicemember's period of relocation, the service provider may not impose a charge for reinstating service, other than the usual and customary charges for the installation or acquisition of customer equipment imposed on any other subscriber.

(f) Return of advance payments

Not later than 60 days after the effective date of the termination of a contract under this section, the service provider under the contract shall refund to the servicemember any fee or other amount to the extent paid for a period extending until after such date, except for the remainder of the monthly or similar billing period in which the termination occurs.

(g) Definitions

For purposes of this section:

(1) The term "cellular telephone service" means commercial mobile service, as that

term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

(2) The term "telephone exchange service" has the meaning given that term under section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(Oct. 17, 1940, ch. 888, title III, §305A, as added Pub. L. 110-389, title VIII, §805(a), Oct. 10, 2008, 122 Stat. 4188; amended Pub. L. 111-275, title III, §302(a), Oct. 13, 2010, 124 Stat. 2875.)

AMENDMENTS

2010—Pub. L. 111-275 amended section generally, substituting provisions relating to termination of telephone service contracts for provisions relating to termination or suspension of contracts for cellular telephone service.

§ 536. Protection of life insurance policy

(a) Assignment of policy protected

If a life insurance policy on the life of a servicemember is assigned before military service to secure the payment of an obligation, the assignee of the policy (except the insurer in connection with a policy loan) may not exercise, during a period of military service of the servicemember or within one year thereafter, any right or option obtained under the assignment without a court order.

(b) Exception

The prohibition in subsection (a) shall not apply—

(1) if the assignee has the written consent of the insured made during the period described in subsection (a);

(2) when the premiums on the policy are due and unpaid; or

(3) upon the death of the insured.

(c) Order refused because of material affect

A court which receives an application for an order required under subsection (a) may refuse to grant such order if the court determines the ability of the servicemember to comply with the terms of the obligation is materially affected by military service.

(d) Treatment of guaranteed premiums

For purposes of this subsection, premiums guaranteed under the provisions of title IV of this Act [sections 541 to 549 of this Appendix] shall not be considered due and unpaid.

(e) Misdemeanor

A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

(Oct. 17, 1940, ch. 888, title III, §306, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2850; amended Pub. L. 111-275, title III, §303(b)(6), Oct. 13, 2010, 124 Stat. 2878.)

PRIOR PROVISIONS

A prior section 536, act Oct. 17, 1940, ch. 888, art. III, §306, as added Oct. 6, 1942, ch. 581, §12, 56 Stat. 773, related to extension of benefits to dependents, prior to the general amendment of this Act by Pub. L. 108-189. See section 538 of this Appendix.

AMENDMENTS

2010—Subsec. (e). Pub. L. 111-275 amended subsec. (e) generally. Prior to amendment, subsec. (e) related to penalties.

§ 537. Enforcement of storage liens**(a) Liens****(1) Limitation on foreclosure or enforcement**

A person holding a lien on the property or effects of a servicemember may not, during any period of military service of the servicemember and for 90 days thereafter, foreclose or enforce any lien on such property or effects without a court order granted before foreclosure or enforcement.

(2) Lien defined

For the purposes of paragraph (1), the term “lien” includes a lien for storage, repair, or cleaning of the property or effects of a servicemember or a lien on such property or effects for any other reason.

(b) Stay of proceedings

In a proceeding to foreclose or enforce a lien subject to this section, the court may on its own motion, and shall if requested by a servicemember whose ability to comply with the obligation resulting in the proceeding is materially affected by military service—

(1) stay the proceeding for a period of time as justice and equity require; or

(2) adjust the obligation to preserve the interests of all parties.

The provisions of this subsection do not affect the scope of section 303 [section 533 of this Appendix].

(c) Misdemeanor

A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

(Oct. 17, 1940, ch. 888, title III, §307, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2851; amended Pub. L. 111-275, title III, §303(b)(7), Oct. 13, 2010, 124 Stat. 2878.)

AMENDMENTS

2010—Subsec. (c). Pub. L. 111-275 amended subsec. (c) generally. Prior to amendment, subsec. (c) related to penalties.

§ 538. Extension of protections to dependents

Upon application to a court, a dependent of a servicemember is entitled to the protections of this title [sections 531 to 538 of this Appendix] if the dependent’s ability to comply with a lease, contract, bailment, or other obligation is materially affected by reason of the servicemember’s military service.

(Oct. 17, 1940, ch. 888, title III, §308, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2851.)

TITLE IV—LIFE INSURANCE

PRIOR PROVISIONS

A prior section 540, acts Oct. 17, 1940, ch. 888, art. IV, §400, 54 Stat. 1183; Oct. 6, 1942, ch. 581, §13, 56 Stat. 773;

July 11, 1956, ch. 570, §1, 70 Stat. 528; Pub. L. 102-12, §9(11), Mar. 18, 1991, 105 Stat. 40, related to definitions, prior to the general amendment of this Act by Pub. L. 108-189. See section 541 of this Appendix.

§ 541. Definitions

For the purposes of this title [sections 541 to 549 of this Appendix]:

(1) Policy

The term “policy” means any individual contract for whole, endowment, universal, or term life insurance (other than group term life insurance coverage), including any benefit in the nature of such insurance arising out of membership in any fraternal or beneficial association which—

(A) provides that the insurer may not—

(i) decrease the amount of coverage or require the payment of an additional amount as premiums if the insured engages in military service (except increases in premiums in individual term insurance based upon age); or

(ii) limit or restrict coverage for any activity required by military service; and

(B) is in force not less than 180 days before the date of the insured’s entry into military service and at the time of application under this title.

(2) Premium

The term “premium” means the amount specified in an insurance policy to be paid to keep the policy in force.

(3) Insured

The term “insured” means a servicemember whose life is insured under a policy.

(4) Insurer

The term “insurer” includes any firm, corporation, partnership, association, or business that is chartered or authorized to provide insurance and issue contracts or policies by the laws of a State or the United States.

(Oct. 17, 1940, ch. 888, title IV, §401, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2851.)

PRIOR PROVISIONS

A prior section 541, acts Oct. 17, 1940, ch. 888, art. IV, §401, 54 Stat. 1183; Oct. 6, 1942, ch. 581, §13, 56 Stat. 774; Pub. L. 102-12, §9(12), Mar. 18, 1991, 105 Stat. 40, related to persons entitled to benefits of former article IV of this Act, applications, and amount of insurance protected, prior to the general amendment of this Act by Pub. L. 108-189. See section 542 of this Appendix.

§ 542. Insurance rights and protections**(a) Rights and protections**

The rights and protections under this title [sections 541 to 549 of this Appendix] apply to the insured when—

(1) the insured,

(2) the insured’s legal representative, or

(3) the insured’s beneficiary in the case of an insured who is outside a State,

applies in writing for protection under this title, unless the Secretary of Veterans Affairs determines that the insured’s policy is not entitled to protection under this title.