

(2) ConUS

The term “continental United States” means the 48 contiguous States and the District of Columbia.

(Oct. 17, 1940, ch. 888, title III, §305, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2848; amended Pub. L. 108-454, title VII, §704, Dec. 10, 2004, 118 Stat. 3624; Pub. L. 111-275, title III, §§301, 303(b)(5), Oct. 13, 2010, 124 Stat. 2875, 2878.)

CODIFICATION

Section was formerly classified to section 535 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 305 of act Oct. 17, 1940, ch. 888, art. III, as added Oct. 6, 1942, ch. 581, §12, 56 Stat. 773; amended Pub. L. 102-12, §9(9), Mar. 18, 1991, 105 Stat. 40, related to protection of assignor of life insurance policy, enforcement of storage liens, and penalties, prior to the general amendment of this Act by Pub. L. 108-189. See sections 3957 and 3958 of this title.

AMENDMENTS

2010—Subsec. (e). Pub. L. 111-275, §301, amended subsec. (e) generally. Prior to amendment, text read as follows: “Rents or lease amounts unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. In the case of the lease of a motor vehicle, the lessor may not impose an early termination charge, but any taxes, summonses, and title and registration fees and any other obligation and liability of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, use and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.”

Subsec. (h). Pub. L. 111-275, §303(b)(5), amended subsec. (h) generally. Prior to amendment, subsec. (h) related to penalties.

2004—Subsec. (a). Pub. L. 108-454, §704(a), amended subsec. (a) generally, designating existing provisions as par. (1), inserting par. heading, and adding par. (2).

Subsec. (b)(1)(B). Pub. L. 108-454, §704(c), inserted “, or as an individual in support of a military operation,” after “deploy with a military unit”.

Subsec. (b)(2)(B). Pub. L. 108-454, §704(b)(1), substituted “military orders—” for “military orders for a permanent change of station outside of the continental United States or to deploy”, added cl. (i), and inserted “(ii) to deploy” before “with a military unit”.

Subsec. (b)(2)(B)(ii). Pub. L. 108-454, §704(c), inserted “, or as an individual in support of a military operation,” after “deploy with a military unit”.

Subsec. (i). Pub. L. 108-454, §704(b)(2), added subsec. (i).

§ 3956. Termination of telephone service contracts**(a) Termination by servicemember****(1) Termination**

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 not less than 90 days to a location that does not support the contract.

(2) Notice

In the case that a servicemember terminates a contract as described in paragraph (1), the service provider under the contract shall provide such servicemember with written or elec-

tronic notice of the servicemember’s rights under such paragraph.

(3) Manner of termination

Termination of a contract under paragraph (1) shall be made by delivery of a written or 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 title 47.

(2) The term “telephone exchange service” has the meaning given that term under section 153 of title 47.

(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.)

CODIFICATION

Section was formerly classified to section 535a of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

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.

§ 3957. 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 subchapter IV of this chapter 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, 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.)

CODIFICATION

Section was formerly classified to section 536 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 306 of act Oct. 17, 1940, ch. 888, art. III, 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 3959 of this title.

AMENDMENTS

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

§ 3958. 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 3953 of this title.

(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, 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.)

CODIFICATION

Section was formerly classified to section 537 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

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

§ 3959. Extension of protections to dependents

Upon application to a court, a dependent of a servicemember is entitled to the protections of this subchapter 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.