

(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.