

PRIOR PROVISIONS

A prior section 303 of act Oct. 17, 1940, ch. 888, art. III, as added Oct. 6, 1942, ch. 581, §12, 56 Stat. 772, related to settlement of cases involving stayed proceedings to foreclose mortgage on, resume possession of, or terminate contract for purchase of, personal property, prior to the general amendment of this Act by Pub. L. 108-189. See section 3954 of this title.

Another prior section 303 of act Oct. 17, 1940, ch. 888, art. III, 54 Stat. 1183, related to stay of action to resume possession of motor vehicle, tractor, or their accessories, encumbered by purchase money mortgage, conditional sales contract, etc., prior to repeal by act Oct. 6, 1942, ch. 581, §11, 56 Stat. 772.

AMENDMENTS

2012—Subsecs. (b), (c). Pub. L. 112-154, §710(d)(3), as amended, revived the provisions of subsecs. (b) and (c) as in effect on July 29, 2008. Effective Jan. 1, 2016, “within 90 days” substituted for “within one year” in introductory provisions. Amendment by Pub. L. 114-142, §2(2), which was enacted Mar. 31, 2016, substituted Jan. 1, 2018, for Jan. 1, 2016, as the effective date of the revival. See Effective and Termination Dates of 2012 Amendment; Revival note below.

Pub. L. 112-154, §710(a), (b), (d)(1), as amended, temporarily substituted “within one year” for “within 9 months” in introductory provisions. See Effective and Termination Dates of 2012 Amendment; Revival note below.

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

2008—Subsecs. (b), (c). Pub. L. 110-289 substituted “9 months” for “90 days” in introductory provisions.

EFFECTIVE AND TERMINATION DATES OF 2012 AMENDMENT; REVIVAL

Pub. L. 112-154, title VII, §710(c), Aug. 6, 2012, 126 Stat. 1208, provided that: “The amendments made by subsections (a) and (b) [amending this section] shall take effect on the date that is 180 days after the date of the enactment of this Act [Aug. 6, 2012].”

Pub. L. 112-154, title VII, §710(d)(1), Aug. 6, 2012, 126 Stat. 1208, as amended by Pub. L. 113-286, §2(1), Dec. 18, 2014, 128 Stat. 3093; Pub. L. 114-142, §2(1), Mar. 31, 2016, 130 Stat. 326; Pub. L. 115-91, div. A, title V, §557(1), Dec. 12, 2017, 131 Stat. 1405, provided that: “The amendments made by subsections (a) and (b) [amending this section] shall expire on December 31, 2019.”

Pub. L. 112-154, title VII, §710(d)(3), Aug. 6, 2012, 126 Stat. 1208, as amended by Pub. L. 113-286, §2(2), Dec. 18, 2014, 128 Stat. 3093; Pub. L. 114-142, §2(2), Mar. 31, 2016, 130 Stat. 326; Pub. L. 115-91, div. A, title V, §557(2), Dec. 12, 2017, 131 Stat. 1405, provided that: “Effective January 1, 2020, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) [now 50 U.S.C. 3953], as in effect on July 29, 2008, are hereby revived.”

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-289, div. B, title II, §2203(c), July 30, 2008, 122 Stat. 2850, as amended by Pub. L. 111-346, §2, Dec. 29, 2010, 124 Stat. 3622; Pub. L. 112-154, title VII, §710(d)(2), Aug. 6, 2012, 126 Stat. 1208, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [July 30, 2008].”

§ 3954. Settlement of stayed cases relating to personal property**(a) Appraisal of property**

When a stay is granted pursuant to this chapter in a proceeding to foreclose a mortgage on or to repossess personal property, or to rescind or terminate a contract for the purchase of personal property, the court may appoint three disinterested parties to appraise the property.

(b) Equity payment

Based on the appraisal, and if undue hardship to the servicemember’s dependents will not result, the court may order that the amount of the servicemember’s equity in the property be paid to the servicemember, or the servicemember’s dependents, as a condition of foreclosing the mortgage, repossessing the property, or rescinding or terminating the contract.

(Oct. 17, 1940, ch. 888, title III, §304, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2848.)

CODIFICATION

Section was formerly classified to section 534 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 304 of act Oct. 17, 1940, ch. 888, art. III, as added Oct. 6, 1942, ch. 581, §12, 56 Stat. 772; amended Pub. L. 102-12, §9(9), Mar. 18, 1991, 105 Stat. 40, related to termination of leases by lessees, prior to the general amendment of this Act by Pub. L. 108-189. See section 3955 of this title.

§ 3955. Termination of residential or motor vehicle leases**(a) Termination by lessee****(1) In general**

The lessee on a lease described in subsection (b) may, at the lessee’s option, terminate the lease at any time after—

(A) the lessee’s entry into military service;

or

(B) the date of the lessee’s military orders described in paragraph (1)(B) or (2)(B) of subsection (b), as the case may be.

(2) Joint leases

A lessee’s termination of a lease pursuant to this subsection shall terminate any obligation a dependent of the lessee may have under the lease.

(b) Covered leases

This section applies to the following leases:

(1) Leases of premises

A lease of premises occupied, or intended to be occupied, by a servicemember or a servicemember’s dependents for a residential, professional, business, agricultural, or similar purpose if—

(A) the lease is executed by or on behalf of a person who thereafter and during the term of the lease enters military service; or

(B) the servicemember, while in military service, executes the lease and thereafter receives military orders for a permanent change of station or to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 90 days.

(2) Leases of motor vehicles

A lease of a motor vehicle used, or intended to be used, by a servicemember or a servicemember’s dependents for personal or business transportation if—

(A) the lease is executed by or on behalf of a person who thereafter and during the term of the lease enters military service under a

call or order specifying a period of not less than 180 days (or who enters military service under a call or order specifying a period of 180 days or less and who, without a break in service, receives orders extending the period of military service to a period of not less than 180 days); or

(B) the servicemember, while in military service, executes the lease and thereafter receives military orders—

(i) for a change of permanent station—

(I) from a location in the continental United States to a location outside the continental United States; or

(II) from a location in a State outside the continental United States to any location outside that State; or

(ii) to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 180 days.

(c) Manner of termination

(1) In general

Termination of a lease under subsection (a) is made—

(A) by delivery by the lessee of written notice of such termination, and a copy of the servicemember's military orders, to the lessor (or the lessor's grantee), or to the lessor's agent (or the agent's grantee); and

(B) in the case of a lease of a motor vehicle, by return of the motor vehicle by the lessee to the lessor (or the lessor's grantee), or to the lessor's agent (or the agent's grantee), not later than 15 days after the date of the delivery of written notice under subparagraph (A).

(2) Delivery of notice

Delivery of notice under paragraph (1)(A) may be accomplished—

(A) by hand delivery;

(B) by private business carrier; or

(C) by placing the written notice in an envelope with sufficient postage and with return receipt requested, and addressed as designated by the lessor (or the lessor's grantee) or to the lessor's agent (or the agent's grantee), and depositing the written notice in the United States mails.

(d) Effective date of lease termination

(1) Lease of premises

In the case of a lease described in subsection (b)(1) that provides for monthly payment of rent, termination of the lease under subsection (a) is effective 30 days after the first date on which the next rental payment is due and payable after the date on which the notice under subsection (c) is delivered. In the case of any other lease described in subsection (b)(1), termination of the lease under subsection (a) is effective on the last day of the month following the month in which the notice is delivered.

(2) Lease of motor vehicles

In the case of a lease described in subsection (b)(2), termination of the lease under subsection (a) is effective on the day on which the

requirements of subsection (c) are met for such termination.

(e) Arrearages and other obligations and liabilities

(1) Leases of premises

Rent amounts for a lease described in subsection (b)(1) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

(2) Leases of motor vehicles

Lease amounts for a lease described in subsection (b)(2) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, title and registration fees, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear or use and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

(f) Rent paid in advance

Rents or lease amounts paid in advance for a period after the effective date of the termination of the lease shall be refunded to the lessee by the lessor (or the lessor's assignee or the assignee's agent) within 30 days of the effective date of the termination of the lease.

(g) Relief to lessor

Upon application by the lessor to a court before the termination date provided in the written notice, relief granted by this section to a servicemember may be modified as justice and equity require.

(h) Misdemeanor

Any person who knowingly seizes, holds, or detains the personal effects, security deposit, or other property of a servicemember or a servicemember's dependent who lawfully terminates a lease covered by this section, or who knowingly interferes with the removal of such property from premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts to do so, shall be fined as provided in title 18, or imprisoned for not more than one year, or both.

(i) Definitions

(1) Military orders

The term "military orders", with respect to a servicemember, means official military orders, or any notification, certification, or verification from the servicemember's commanding officer, with respect to the servicemember's current or future military duty status.

(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.