

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2750

4
5 By: Representative Wood
6
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE CERTAIN PROTECTIONS TO MEMBERS
10 OF THE ARKANSAS NATIONAL GUARD AND RESERVES WHO
11 ARE CALLED INTO ACTIVE DUTY; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 THE ARKANSAS PATRIOT ACT.
15
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code Title 12, Chapter 62, is amended to add an
21 additional subchapter to read as follows:

Subchapter 8.

The Arkansas Patriot Act.

12-62-801. Title.

25 This subchapter shall be known as the "Arkansas Patriot Act".
26

12-62-802. Purpose.

28 The purpose of this subchapter is to provide relief to soldiers and
29 airmen of the Arkansas National Guard who are called into the extended active
30 military service of the State of Arkansas from contracts entered into prior
31 to being called into active duty.
32

12-62-803. Definitions.

34 As used in this subchapter:

35 (1) "Active duty" means active duty pursuant to an executive
36 order of the President of the United States, an act of the Congress of the



1 United States, or state law; and

2 (2) "Motor vehicle" means any automobile, car, minivan,
 3 passenger van, sport utility vehicle, pickup truck, or other self-propelled
 4 vehicle not operated or driven on fixed rails or track.

5
 6 12-62-804. Leases on motor vehicles.

7 (a) Any person, or spouse of a person, who is deployed on active duty
 8 for a period of not less than one hundred eighty (180) days may terminate any
 9 motor vehicle lease that meets both of the following requirements:

10 (1) The lease is entered into on or after the effective date of
 11 this act; and

12 (2) The lease is executed by or on behalf of the person who is
 13 deployed on active duty.

14 (b) Termination of the motor vehicle lease shall not be effective
 15 until:

16 (1) The person who is deployed on active duty or the person's
 17 spouse gives the lessor by certified mail, return receipt requested, a notice
 18 of the intention to terminate the lease together with a copy of the military
 19 or gubernatorial orders calling the person to active duty; and

20 (2) The motor vehicle subject to the lease is returned to the
 21 custody or control of the lessor not later than fifteen (15) days after the
 22 delivery of the written notice.

23 (c) Lease amounts unpaid for the period preceding the effective date
 24 of the lease's termination shall be paid on a prorated basis. The lessor may
 25 not impose an early termination charge, but any taxes, costs of summons, and
 26 title or registration fees and any other obligation and liability of the
 27 lessee under the terms of the lease, including reasonable charges to the
 28 lessee for excess wear, use, and mileage, that are due and unpaid at the time
 29 of the lease's termination shall be paid by the lessee.

30 (d) The lessor shall refund to the lessee lease amounts paid in
 31 advance for a period after the effective date of the lease's termination
 32 within thirty (30) days of the effective date of the lease's termination.

33 (e) Upon application by the lessor to a court before the effective
 34 date of the lease's termination, relief granted by this section may be
 35 modified as justice and equity require.

36

12-62-804. Cell phone contracts.

(a) Any person, or spouse of a person, who is deployed on active duty may terminate, without penalty, a cellular phone contract that meets both of the following requirements:

(1) It is entered into on or after the effective date of this act; and

(2) It is executed by or on behalf of the person who is deployed on active duty.

(b) Termination of the cellular phone contract shall not be effective until:

(1) Thirty (30) days after the person who is deployed on active duty or the person's spouse gives notice by certified mail, return receipt requested, of the intention to terminate the cellular phone contract; and

(2) Unless the person who is deployed on active duty owns the cellular phone, the cellular phone is returned to the custody or control of the cellular telephone company, or the person who is deployed on active duty or the person's spouse agrees in writing to return the cellular phone as soon as practicable after the deployment is completed.

12-62-805. Apartment leasing.

(a) In an action under this chapter for possession of residential premises of a tenant or manufactured home park resident who is deployed on active duty or of any member of the tenant's or resident's immediate family, if the tenant or resident entered into the rental agreement on or after the effective date of this act, the court may, on its own motion, and shall, upon motion made by or on behalf of the tenant or resident, do either of the following if the tenant's or resident's ability to pay the agreed rent is materially affected by the deployment on active duty:

(1) Stay the proceedings for a period of ninety (90) days, unless, in the opinion of the court, justice and equity require a longer or shorter period of time; and

(2) Adjust the obligation under the rental agreement to preserve the interest of all parties to it.

(b) If a stay is granted under subsection (a) of this section, then the court may grant the landlord or park operator such relief as equity may require.

1 (c) This section does not apply to landlords or park operators
2 operating fewer than four (4) residential premises.

3
4 12-62-806. Life insurance.

5 (a)(1) Except as provided in subdivision (a)(2) of this section, this
6 section shall apply to any individual life insurance policy insuring the life
7 of a reservist who is on active duty if the life insurance policy meets both
8 of the following conditions:

9 (A) The policy has been in force for at least one hundred
10 eighty (180) days; and

11 (B) The policy has been brought within the "Service-
12 members Civil Relief Act," 117 Stat. 2835 (2003), 50 U.S.C. App. 541, et seq.

13 (2) This section does not apply to any policy that was cancelled
14 or that had lapsed for the nonpayment of premiums prior to the commencement
15 of the insured's period of military service.

16 (b) An individual life insurance policy described in subsection (a) of
17 this section shall not lapse or be forfeited for the nonpayment of premiums
18 during a reservist's period of military service or during the two-year period
19 subsequent to the end of the reservist's period of military service.

20 (c) This section does not limit a life insurance company's enforcement
21 of provisions in the insured's policy relating to naval or military service
22 in time of war.

23
24 12-62-807. Natural gas service.

25 (a) No company shall terminate natural gas from entering the
26 residential premises of any residential consumer who is deployed on active
27 duty for nonpayment for gas supplied to the residential premises.

28 (b)(1) Upon return of a residential consumer from active duty, the
29 company shall offer the residential consumer a period equal to at least the
30 period of deployment on active duty to pay any arrearages incurred during the
31 period of deployment.

32 (2) The company shall inform the residential consumer that, if
33 the period the company offers presents a hardship to the consumer, the
34 consumer may request a longer period to pay the arrearages and, in the case
35 of a company that is a public utility, may request the assistance of the
36 Arkansas Public Service Commission to obtain a longer period.

1 (3) No late payment fees or interest shall be charged to the
2 residential consumer during the period of deployment or the repayment period.

3 (c)(1) If a company that is a public utility determines that amounts
4 owed by a residential consumer who is deployed on active duty are
5 uncollectible, the company may file an application with the Arkansas Public
6 Service Commission for approval of authority to recover the amounts.

7 (2) The recovery shall be through a rider on the base rates of
8 customers of the company or through other means as may be approved by the
9 commission, provided that any amount approved to be recovered through a rider
10 or other means shall not be considered by the Arkansas Public Service
11 Commission in any subsequent rate determination.

12
13 12-62-808. Electricity service.

14 (a) No company shall cease to provide electricity to the residential
15 premises of any residential consumer who is deployed on active duty for
16 nonpayment for electricity provided to the residential premises.

17 (b)(1) Upon return of a residential consumer from active duty, the
18 company shall offer the residential consumer a period equal to at least the
19 period of deployment on active duty to pay any arrearages incurred during the
20 period of deployment.

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22 the period the company offers presents a hardship to the consumer, the
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