



State Enhancements to the Service Members Civil Relief Act (SCRA)

As a result of military duty, service members can have unintended consumer concerns for which they can be protected through state consumer protection policies.

KEY MESSAGE: Service members are protected as consumers through the federal SCRA; however, the federal law does not protect service members concerning obligations that occur while on active duty. States can provide additional consumer protections that can mirror and expand the federal SCRA.



DISCUSSION POINTS:

- The 2003 federal SCRA generally provided protections associated with obligations made prior to federal activation, and generally covered stays of some court proceedings; protection from default judgements, evictions, foreclosures and loss of insurance coverage; and limited certain taxes and obligations made before entering active duty.
- Updates to the SCRA since 2003 extended it to cover residential leases, motor vehicle leases and telephone service contracts entered while on active duty, in order to provide relief to Service members when they deploy or assigned overseas, or in some circumstances where they have a permanent change of station. Other changes have also provided remedies and civil enforcement by the U.S. Attorney General.
- Many states have applied several of the protections found in the federal SCRA to members of the National Guard under state activation. However, these protections vary widely. Some states have extended their consumer protections beyond what is included in the federal SCRA through state statutes, and applied these additional protections to service members on federal active duty as well as state activations.
- Department of Defense recognizes that states need to develop protections that make sense within the context of their consumer protection laws. Department of Defense requests states consider protections:
 - Applicable to active duty for members of the uniformed services (which parallels members covered by the federal SCRA: Army, Navy, Marine Corps, Air Force, Coast Guard, National Guard, Public Health Services and National Oceanic and Atmospheric Administration);¹
 - Applicable to a contract to provide telecommunication services, internet services, television services, athletic club or gym memberships or satellite radio services;¹
 - Applicable as well to certain residential lease/rental agreements due to moves into government-owned/leased housing.

Title VIII of the SCRA provides authority to state attorneys general to enforce the provisions of the federal SCRA (Section 801 – 50 U.S.C. §597). In February 2012, the federal government and 49 state attorneys general reached an unprecedented joint settlement of \$25 billion with the nation's five largest mortgage servicers to address mortgage loan servicing and foreclosure abuses.

¹ Protections approved as part of Indiana House Bill 1456, 2015