

**ASSEMBLY BILL**

**No. 1053**

---

**Introduced by Assembly Member Mathis**

February 26, 2015

---

An act to amend Section 800 of the Military and Veterans Code, relating to military service.

LEGISLATIVE COUNSEL'S DIGEST

AB 1053, as introduced, Mathis. Military service: benefits.

Existing law authorizes a member of the United States Military Reserve or the National Guard who is called to active duty, as specified, to defer payments on certain obligations while serving on active duty.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 800 of the Military and Veterans Code  
2     is amended to read:  
3     800. (a) (1) Subject to subdivision (b), in addition to any other  
4     ~~benefits~~ *benefit* provided by ~~law~~ *law*, and to the extent permitted  
5     by federal law, any member of the United States Military Reserve  
6     or the National Guard of this state who is called to active duty after  
7     the enactment of this chapter and before January 1, 2014, as a part  
8     of the Iraq and Afghanistan ~~conflicts~~ *conflicts*, may defer payments  
9     on any of the following obligations while serving on active duty:  
10    (A) An obligation secured by a mortgage or deed of trust.

1 (B) Credit-card *card*, as defined in Section 1747.02 of the Civil  
2 Code.

3 (C) Retail installment-~~contract~~ *contract*, as defined in Section  
4 1802.6 of the Civil Code.

5 (D) Retail installment account, installment account, or revolving  
6 ~~account~~ *account*, as defined in Section 1802.7 of the Civil Code.

7 (E) Up to two vehicle loans. ~~For purposes of this chapter,~~  
8 ~~“vehicle” means a vehicle as defined in Section 670 of the Vehicle~~  
9 ~~Code.~~

10 (F) Any payment of property tax or ~~any~~ special assessment of  
11 in-lieu property tax imposed on real property that is assessed on  
12 residential property owned by the reservist and used as that  
13 reservist’s primary place of residence on the date the reservist was  
14 ordered to active duty.

15 (2) Subject to subdivision (b), in addition to any other ~~benefits~~  
16 ~~benefit~~ provided by ~~law~~ *law*, and to the extent permitted by federal  
17 law, a reservist who is called to active duty on and after January  
18 1, 2014, may defer payments on any of the following obligations  
19 while serving on active duty:

20 (A) An obligation secured by a mortgage or deed of trust.

21 (B) Credit-card *card*, as defined in Section 1747.02 of the Civil  
22 Code.

23 (C) Retail installment-~~contract~~ *contract*, as defined in Section  
24 1802.6 of the Civil Code.

25 (D) Retail installment account, installment account, or revolving  
26 ~~account~~ *account*, as defined in Section 1802.7 of the Civil Code.

27 (E) Up to two vehicle loans. ~~For purposes of this chapter,~~  
28 ~~“vehicle” means a vehicle as defined in Section 670 of the Vehicle~~  
29 ~~Code.~~

30 (F) Any payment of property tax or ~~any~~ special assessment of  
31 in-lieu property tax imposed on real property that is assessed on  
32 residential property owned by the reservist and used as that  
33 reservist’s primary place of residence on the date the reservist was  
34 ordered to active duty.

35 (G) Any obligation owed to a utility company.

36 (b) (1) In order for an obligation or liability of a reservist to be  
37 subject to ~~the provisions of~~ this chapter, the reservist or the  
38 reservist’s designee shall deliver to the obligor both of the  
39 following:

1 (A) A letter signed by the reservist, under penalty of perjury,  
2 requesting a deferment of financial obligations.

3 (B) A copy of the reservist's activation or deployment order  
4 and any other information that substantiates the duration of the  
5 service member's military service.

6 (2) If required by a financial institution, proof that the reservist's  
7 employer does not provide continuing income to the reservist while  
8 the reservist is on active military duty, including the reservist's  
9 military pay, of more than 90 percent of the reservist's monthly  
10 salary and wage income earned before the call to active duty.

11 (c) Upon request of the reservist or the reservist's dependent or  
12 designee and within five working days of that request, if applicable,  
13 the employer of a reservist shall furnish the letter or other  
14 comparable evidence showing that the employer's compensation  
15 policy does not provide continuing income to the reservist,  
16 including the reservist's military pay, of more than 90 percent of  
17 the reservist's monthly salary and wage income earned before the  
18 call to active duty.

19 (d) The deferral period on financial obligations shall be the  
20 lesser of 180 days or the period of active duty plus 60 calendar  
21 ~~days~~ days, and shall apply only to those payments due subsequent  
22 to the notice provided to a lender as provided in subdivision (b).  
23 In addition, the total period of the deferment shall not exceed 180  
24 days within a 365-day period.

25 (e) If a lender defers payments on a closed end credit obligation  
26 or an open-end credit obligation with a maturity date, pursuant to  
27 this chapter, the lender shall extend the term of the obligation by  
28 the amount of months the obligation was deferred.

29 (f) If a lender defers payments on an open-end credit obligation  
30 pursuant to this chapter, the lender may restrict the availability of  
31 additional credit with respect to that obligation during the term of  
32 the deferral.

33 (g) *For purposes of this chapter, "vehicle" means a vehicle as*  
34 *defined in Section 670 of the Vehicle Code.*