

By: Vo

H.B. No. 478

A BILL TO BE ENTITLED

AN ACT

relating to the date of payment for retail utility services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 182, Utilities Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PAYMENT FOR UTILITY SERVICES

Sec. 182.151. DEFINITION. In this subchapter, "retail utility provider" means a public or private electric, gas, water, or telephone utility that provides retail utility services.

Sec. 182.152. DATE OF POSTMARK OF UTILITY PAYMENT TREATED AS DATE OF PAYMENT. (a) A payment for retail utility services that is mailed to the retail utility provider using the United States Postal Service is considered made on the date the envelope or cover is postmarked by the postal service only if:

(1) the payment is not required by law or contract to be delivered by a method other than by mail;

(2) the payment has been deposited in the United States mail, with sufficient postage prepaid; and

(3) the envelope or cover has been properly addressed to the retail utility provider.

(b) A payment that does not conform to Subsection (a) is considered made on the date the payment is delivered to the retail utility provider.

SECTION 2. (a) The change in law made by this Act applies

1 only to a payment due to a retail utility provider on or after the
2 effective date of this Act. A payment due to a retail utility
3 provider before the effective date of this Act is governed by the
4 law in effect on the date the payment is due, and the former law is
5 continued in effect for that purpose.

6 (b) Subchapter D, Chapter 182, Utilities Code, as added by
7 this Act, does not apply to the date a payment for retail utility
8 services is considered made to the extent its application may
9 impair a contract entered into before the effective date of this Act
10 that specifies the date a payment for retail utility services is
11 considered made, and the law at the time the contract was entered
12 into is continued in effect for that purpose.

13 SECTION 3. This Act takes effect September 1, 2007.