

By: Veasey

H.B. No. 2616

A BILL TO BE ENTITLED

AN ACT

relating to utility bill payment protection for elderly or disabled persons.

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

SECTION 1. The heading to Subchapter A, Chapter 182, Utilities Code, is amended to read as follows:

SUBCHAPTER A. [~~PAYMENT DATE OF~~] UTILITY BILL PROTECTIONS FOR ELDERLY INDIVIDUAL OR INDIVIDUAL WITH A DISABILITY

SECTION 2. Section 182.001, Utilities Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Individual with a disability" means an individual who:

(A) is receiving disability insurance benefits under 42 U.S.C. Section 423; or

(B) otherwise has an inability to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months.

SECTION 3. Sections 182.002 through 182.005, Utilities Code, are amended to read as follows:

Sec. 182.002. DELAY OR DEFERRAL OF BILL PAYMENT [DATE] FOR ELDERLY INDIVIDUAL OR INDIVIDUAL WITH A DISABILITY. (a) On request by an elderly individual or an individual with a disability, a

1 utility shall delay without penalty the payment date of a bill for
2 providing utility service to that individual until the 25th day
3 after the date the bill is issued.

4 (a-1) On written request by an elderly individual or an
5 individual with a disability, a utility shall allow payment of the
6 individual's utility bill to be deferred for not more than three
7 months. The payment plan may not include a penalty for late
8 payments. The payment plan must allow the individual to pay the
9 delinquent amount in equal installments over at least three billing
10 cycles.

11 (b) This subchapter applies only to an elderly individual or
12 an individual with a disability who:

13 (1) is a residential customer; and

14 (2) occupies the entire premises for which a delay or
15 payment deferral is requested.

16 Sec. 182.003. REQUEST FOR DELAY. An elderly individual or
17 an individual with a disability may request that the utility
18 implement the delay under Section 182.002(a) [~~182.002~~] for:

19 (1) the most recent utility bill; or

20 (2) the most recent utility bill and each subsequent
21 utility bill.

22 Sec. 182.004. PROOF OF AGE OR DISABILITY. A utility may
23 require an individual requesting a delay or deferral under this
24 subchapter to present reasonable proof that the individual is 60
25 years of age or older or is an individual with a disability.

26 Sec. 182.005. CERTAIN UTILITIES NOT AFFECTED. This
27 subchapter does not apply to a utility that:

1 (1) does not assess a late payment charge on a
2 residential customer;

3 (2) does not suspend service before the 26th day after
4 the date of the bill for which collection action is taken; [~~and~~]

5 (3) offers a deferred payment plan that is at least as
6 generous as the plan required by Section 182.002(a-1); and

7 (4) is regulated under Title 2.

8 SECTION 4. This Act takes effect September 1, 2007.