

By: Veasey

H.B. No. 725

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

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

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

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

(1) is a residential customer; and

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

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

(1) the most recent utility bill; or

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

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

Sec. 182.005. CERTAIN UTILITIES NOT AFFECTED. This 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, 2009.