

By: Martinez

H.B. No. 841

A BILL TO BE ENTITLED

AN ACT

relating to utility bill payment protection for elderly or disabled persons, or persons with special medical needs.

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

SECTION 1. Section 39.101, Utilities Code, is amended by adding Subsections (i), (j), and (k) to read as follows:

(i) A retail electric provider, power generation company, aggregator, or other entity that provides retail electric service may not, because of a late payment or failure to make a payment, disconnect service to a residential customer who:

(1) requests and qualifies for a deferred payment plan; and

(2) is:

(A) at least 62 years of age;

(B) a person or resides with a person who, if electric service is disconnected, is likely to become seriously ill or become more seriously ill; or

(C) unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental disability.

(j) If a residential customer's electric account is past due, the retail electric provider, power generation company, aggregator, or other entity that provides retail electric service to the customer shall give the customer notice that the account is

1 past due. The notice must be in conspicuous print on the first page
2 of the disconnection notice or of the residential customer's first
3 electric bill after the account becomes past due, whichever is sent
4 earlier. The notice must also inform the customer that the customer
5 may qualify for a deferred payment plan and describe the manner in
6 which the customer may request the plan.

7 (k) A retail electric provider, power generation company,
8 aggregator, or other entity that provides retail electric service
9 shall provide to a residential customer described by Subsection (i)
10 who receives notice of a past due account and who can demonstrate
11 financial inability to pay the amount due promptly, the opportunity
12 to request a deferred payment plan. The commission by rule shall
13 establish requirements for criteria for a customer to qualify for a
14 deferred payment plan required under this subsection.

15 SECTION 2. This Act takes effect September 1, 2009.