

By: Vo

H.B. No. 1100

A BILL TO BE ENTITLED

AN ACT

relating to the date of payment for retail electric services.

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

SECTION 1. Chapter 181, Utilities Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. PAYMENT FOR RETAIL ELECTRIC SERVICES

Sec. 181.151. DEFINITION. In this subchapter, "retail provider" means a public or private provider of retail electric services. The term includes:

(1) an electric utility as defined by Section 31.002;

(2) an electric cooperative as defined by Section 11.003;

(3) a municipally owned utility as defined by Section 11.003; and

(4) a retail electric provider as defined by Section 31.002.

Sec. 181.152. DATE OF POSTMARK OF UTILITY PAYMENT TREATED AS DATE OF PAYMENT. (a) A payment for retail electric services that is mailed to the retail 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

1 States mail, with sufficient postage prepaid; and

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

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

7 (c) A payment for retail electric services that is submitted  
8 electronically to the retail provider is considered made on the  
9 date reflected by the time stamp.

10 SECTION 2. (a) The change in law made by this Act applies  
11 only to a payment due to a retail provider on or after the effective  
12 date of this Act. A payment due to a retail provider before the  
13 effective date of this Act is governed by the law in effect on the  
14 date the payment is due, and the former law is continued in effect  
15 for that purpose.

16 (b) Subchapter G, Chapter 181, Utilities Code, as added by  
17 this Act, does not apply to the date a payment for retail electric  
18 services is considered made to the extent its application may  
19 impair a contract entered into before the effective date of this Act  
20 that specifies the date a payment for retail electric services is  
21 considered made, and the law at the time the contract was entered  
22 into is continued in effect for that purpose.

23 SECTION 3. This Act takes effect September 1, 2009.