An Act

ENROLLED HOUSE
BILL NO. 2242

By: Dobrinski, Dollens, and Roe of the House

and

Pugh of the Senate

An Act relating to utilities; exempting persons determined to be victims of certain crimes from paying initial credit and deposit for utilities; directing that certain determination be made by certification letter; stating certification letter expires after certain time; providing form for certification letter; requiring utilities keep certification letter confidential; amending 11 O.S. 2021, Section 35-107, which relates to utility deposits; requiring municipally owned utility providers to waive initial credit and deposit requirements for persons determined to be victims of certain crimes; directing that certain determination be made by certification letter or similar form; stating certification letter expires after certain time; stating that contents of certification letter be kept confidential; providing for codification; and declaring an emergency.

SUBJECT: Utilities

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.12 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. A customer or applicant who has been determined to be a victim of domestic violence, stalking, or harassment, as defined in

Section 109 of Title 43 of the Oklahoma Statutes or Section 644 of Title 21 of the Oklahoma Statutes, by any of the following:

1. An existing protective order;

2. Law enforcement personnel; or

3. A designated representative of a certified domestic violence shelter or certified domestic violence program pursuant to Section 18p-6 of Title 74 of the Oklahoma Statutes,

shall be exempt from the public utility's initial credit and deposit requirements as established by the public utility. This determination shall be evidenced by submission of the certification letter, provided in subsection B of this section, to the public utility. The certification letter expires after ninety (90) days.

B. Certification Letter for Victim of Domestic Violence for Waiver of Initial Utility Deposit:

IF A VALID PROTECTIVE ORDER IS ATTACHED TO THIS FORM, A CERTIFYING AGENCY OR OFFICER DOES NOT NEED TO COMPLETE THE FOLLOWING SECTIONS.

This letter serves to certify that _____ (Name of Applicant for Service) is a victim of domestic violence, stalking, or harassment, as defined in Section 109 of Title 43 of the Oklahoma Statutes or Section 644 of Title 21 of the Oklahoma Statutes, and therefore has demonstrated satisfactory credit for the purposes of establishing service. The requirement of initial deposit shall be waived for the above named customer. (Only one Certifying Agency is required.)

By my signature, I certify that the following Certifying Agency has determined that, based on the information gathered at the time of intake/assessment/provision of services, the above-named Applicant reported experiences of domestic violence and was assessed to be a victim of domestic violence.

Agency Name: _____

Contact Number: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

By my signature I certify that I have personally responded to or have confirmed via internal records that an officer of the _____ Police Department has responded to an incident occurring within the municipal boundaries of the _____ (municipality) where the above-named Applicant was reported to be a victim of domestic violence.

Department Representative Signature:

_____

Department Representative Printed Name:

_____

Badge Number (if applicable):

_____

Date: _____

This form expires ninety (90) days from the date of the signature of the certifying individual.

C. The utility shall deem the certification letter and the contents thereof as confidential and exempt from disclosure.

SECTION 2. AMENDATORY 11 O.S. 2021, Section 35-107, is amended to read as follows:

Section 35-107. A. Money in the municipal treasury which has been acquired as a utility deposit from a customer of a municipal utility shall be refunded or credited to the customer upon termination of the utility service and payment of all charges due and connected with the service, or at an earlier date as may be allowed by the municipality. Refunds to the customer shall be made in accordance with the procedures set forth in this section.

B. If a utility deposit is to be refunded to the customer instead of being credited to the account of the customer, a refund check or warrant payable to the customer shall be issued by the municipal utility within thirty (30) days following the termination of the utility service.

C. Utility deposit refund checks or warrants of Five Dollars ($5.00) or less shall be cashed by the customer within one (1) year of the termination of the utility service. Any such refund check or warrant not cashed by the customer within one (1) year of termination of the utility service shall be ~~cancelled~~ canceled and the amount of the deposit shall be paid into the fund of the municipal utility for which the deposit was collected, or into the general fund as may be determined by the municipal governing body. No municipal utility customer shall have the right to any claim or refund on the deposit following the expiration of the one-year time period as set forth in this subsection.

D. If a utility deposit refund check or warrant in excess of Five Dollars ($5.00) has not been cashed by a customer within one (1) year following termination of the utility service to the customer, the municipality shall send written notice to the customer at the last-known address of the customer stating that the refund check or warrant shall be ~~cancelled~~ canceled and the deposit will be paid over to the municipality unless it is cashed by the customer within ninety (90) days of the date the notice is mailed by the municipality. If the check or warrant is not cashed within the ninety (90) days, the check or warrant shall be ~~cancelled~~ canceled and the amount of the deposit shall be paid into the fund of the municipal utility for which the deposit was collected, or into the general fund as may be determined by the governing body. No municipal utility customer shall have a right to any claim or refund on the deposit after written notice and expiration of the ninety-day period in accordance with this subsection.

E. Provided, notwithstanding other provisions of law, a municipally owned public utility shall waive any initial credit and deposit requirements for a customer or applicant that has been determined to be a victim of domestic violence, stalking, or harassment, as defined in Section 109 of Title 43 of the Oklahoma Statutes or Section 644 of Title 21 of the Oklahoma Statutes, by providing proof of any of the following:

1. An existing protective order;

2. Law enforcement personnel statement; or

3. A statement of a designated representative of a certified domestic violence shelter or certified domestic violence program pursuant to Section 18p-6 of Title 74 of the Oklahoma Statutes.

This determination shall be evidenced by submission of a certification letter to the utility. The municipality may accept the certification letter provided for in Section 1 of this act, or a certification letter on a form created by the municipality so long as the contents are substantially the same as the certification letter, as provided for in Section 1 of this act. The certification letter expires after ninety (90) days. The municipally owned public utility shall deem the certification letter and the contents thereof as confidential and exempt from disclosure, pursuant to subsection D of Section 24A.10 of Title 51 of the Oklahoma Statutes.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 9th day of March, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 25th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th

day of April, 20 23, at 2:36 o'clock p. M.

By: _____

Approved by the Governor of the State of Oklahoma this 2nd

day of May, 20 23, at 11:58 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd

day of May, 20 23, at 1:49 o'clock p M.

By: _____