

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2242

By: Dobrinski

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to utilities; exempting persons  
10                   determined to be victims of certain crimes from  
11                   paying initial credit and deposit for utilities;  
12                   directing that certain determination be made by  
13                   certification letter; stating certification letter  
14                   expires after certain time; providing form for  
15                   certification letter; requiring utilities keep  
16                   certification letter confidential; amending 11 O.S.  
17                   2021, Section 35-107, which relates to utility  
18                   deposits; requiring municipally owned utility  
19                   providers to waive initial credit and deposit  
20                   requirements for persons determined to be victims of  
21                   certain crimes; directing that certain determination  
22                   be made by certification letter or similar form;  
23                   stating certification letter expires after certain  
24                   time; stating that contents of certification letter  
                 be kept confidential; providing for codification; and  
                 declaring an emergency.

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:

1 A. A customer or applicant who has been determined to be a  
2 victim of domestic violence, stalking, or harassment, as defined in  
3 Section 109 of Title 43 of the Oklahoma Statutes or Section 644 of  
4 Title 21 of the Oklahoma Statutes, by any of the following:

- 5 1. An existing protective order;
- 6 2. Law enforcement personnel; or
- 7 3. A designated representative of a certified domestic violence  
8 shelter or certified domestic violence program pursuant to Section  
9 18p-6 of Title 74 of the Oklahoma Statutes,  
10 shall be exempt from the public utility's initial credit and deposit  
11 requirements as established by the public utility. This  
12 determination shall be evidenced by submission of the certification  
13 letter, provided in subsection B of this section, to the public  
14 utility. The certification letter expires after ninety (90) days.

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

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

19 This letter serves to certify that \_\_\_\_\_ (Name  
20 of Applicant for Service) is a victim of domestic violence,  
21 stalking, or harassment, as defined in Section 109 of Title 43 of  
22 the Oklahoma Statutes or Section 644 of Title 21 of the Oklahoma  
23 Statutes, and therefore has demonstrated satisfactory credit for the  
24 purposes of establishing service. The requirement of initial

1 deposit shall be waived for the above named customer. (Only one  
2 Certifying Agency is required.)

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

8 Agency Name: \_\_\_\_\_

9 Contact Number: \_\_\_\_\_

10 Signature: \_\_\_\_\_

11 Printed Name: \_\_\_\_\_

12 Title: \_\_\_\_\_

13 Date: \_\_\_\_\_

14 By my signature I certify that I have personally responded to or  
15 have confirmed via internal records that an officer of the

16 \_\_\_\_\_ Police Department has responded to an

17 incident occurring within the municipal boundaries of the

18 \_\_\_\_\_ (municipality) where the above-named

19 Applicant was reported to be a victim of domestic violence.

20 Department Representative Signature:

21 \_\_\_\_\_

22 Department Representative Printed Name:

23 \_\_\_\_\_

24

1 Badge Number (if applicable):

2 \_\_\_\_\_

3 Date: \_\_\_\_\_

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

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

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

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

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

22 C. Utility deposit refund checks or warrants of Five Dollars  
23 (\$5.00) or less shall be cashed by the customer within one (1) year  
24 of the termination of the utility service. Any such refund check or

1 warrant not cashed by the customer within one (1) year of  
2 termination of the utility service shall be ~~cancelled~~ canceled and  
3 the amount of the deposit shall be paid into the fund of the  
4 municipal utility for which the deposit was collected, or into the  
5 general fund as may be determined by the municipal governing body.  
6 No municipal utility customer shall have the right to any claim or  
7 refund on the deposit following the expiration of the one-year time  
8 period as set forth in this subsection.

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

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

8 1. An existing protective order;

9 2. Law enforcement personnel statement; or

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

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

23 SECTION 3. It being immediately necessary for the preservation  
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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4 COMMITTEE REPORT BY: COMMITTEE ON UTILITIES, dated 02/16/2023 - DO  
5 PASS, As Amended.

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