

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2242

By: Dobrinski

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5
6 AS INTRODUCED

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

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

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

3 1. An existing protective order;

4 2. Law enforcement personnel; or

5 3. A designated representative of a certified domestic violence
6 shelter or certified domestic violence program pursuant to Section
7 18p-6 of Title 74 of the Oklahoma Statutes,

8 shall be exempt from the public utility's initial credit and deposit
9 requirements as established by the public utility. This

10 determination shall be evidenced by submission of the certification
11 letter, provided in subsection B of this section, to the public
12 utility. The certification letter expires after ninety (90) days.

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

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

17 This letter serves to certify that _____ (Name

18 of Applicant for Service) is a victim of domestic violence,

19 stalking, or harassment, as defined in Section 109 of Title 43 of

20 the Oklahoma Statutes or Section 644 of Title 21 of the Oklahoma

21 Statutes, and therefore has demonstrated satisfactory credit for the

22 purposes of establishing service. The requirement of initial

23 deposit shall be waived for the above named customer. (Only one

24 Certifying Agency is required.)

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

6 Agency Name: _____

7 Contact Number: _____

8 Signature: _____

9 Printed Name: _____

10 Title: _____

11 Date: _____

12

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

19

20 Department Representative Signature:
21 _____

22 Department Representative Printed Name:
23 _____

24

1 Badge Number (if applicable):

2 _____

3
4 Date: _____

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

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

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

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

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

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

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

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

1 on the deposit after written notice and expiration of the ninety-day
2 period in accordance with this subsection.

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

10 1. An existing protective order;

11 2. Law enforcement personnel statement; or

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

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

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SECTION 3. This act shall become effective November 1, 2023.

59-1-6124 JBH 01/12/23