

1 **SENATE FLOOR VERSION**

2 April 13, 2023

3 ENGROSSED HOUSE
4 BILL NO. 2242

By: Dobrinski, Dollens and Roe
of the House

5 and

6 Pugh of the Senate

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

19
20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 180.12 of Title 17, unless there
23 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.

3 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
4 April 13, 2023 - DO PASS

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24