
HOUSE BILL No. 1115

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-2.

Synopsis: Notice to landlords of delinquent utility bills. Requires an electric utility or a gas utility to provide notice of a delinquent residential account and of the opportunity to enter into an amortization agreement to: (1) the customer occupying the dwelling for which the account is delinquent; and (2) the owner of the dwelling, if the dwelling is occupied by someone other than the owner. Requires an electric utility or a gas utility to provide notice of a potential termination of service for nonpayment during the heating season to: (1) the customer occupying the dwelling for which the account is delinquent; and (2) the owner of the dwelling, if the dwelling is occupied by someone other than the owner. Provides that a utility's duty to provide the required notices to the owner of the dwelling applies only if the owner has given the utility written notice of the owner's address to which any notices concerning the dwelling are to be sent.

Effective: July 1, 2011.

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January 6, 2011, read first time and referred to Committee on Utilities and Energy.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1115



A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-1-2-121, AS AMENDED BY P.L.181-2006,
2 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 121. **(a) As used in this section, "dwelling" has**
4 **the meaning set forth in section 122 of this chapter.**

5 ~~(a)~~ **(b)** Notwithstanding any other provision of law, from December
6 1 through March 15 of any year, no electric or gas utility, including a
7 municipally owned, privately owned, or cooperatively owned utility,
8 shall terminate residential electric or gas service for persons who are
9 eligible for and have applied for assistance from a heating assistance
10 program administered under IC 4-4-33. The commission shall
11 implement procedures to ensure that electric or gas utility service is
12 continued while eligibility for such persons is being determined.

13 ~~(b)~~ **(c)** Any electric or gas utility, including a municipally owned,
14 privately owned, or cooperatively owned utility, shall provide any
15 residential customer whose account is delinquent an opportunity to
16 enter into a reasonable amortization agreement with such company to
17 pay the delinquent account. Such an amortization agreement must



1 provide the customer with adequate opportunity to apply for and
2 receive the benefits of any available public assistance program. An
3 amortization agreement is subject to amendment on the customer's
4 request if there is a change in the customer's financial circumstances.
5 **In addition, the utility shall send, by United States mail, notice of**
6 **the delinquency and of the opportunity to enter into an**
7 **amortization agreement under this subsection to:**

8 (1) **the customer who occupies the dwelling for which the**
9 **account is delinquent, at:**

10 (A) **the address of the dwelling; or**

11 (B) **the address otherwise listed for the customer in the**
12 **records of the utility; and**

13 (2) **if the dwelling is occupied by someone other than the**
14 **owner of the dwelling, the owner of the dwelling, at the**
15 **address to which the owner has instructed, in writing, the**
16 **utility to direct any notice under this subsection.**

17 **The notice required by this subsection shall be sent to the customer**
18 **occupying the dwelling and to the owner of the dwelling, if**
19 **applicable, at the same time and in accordance with the schedule**
20 **by which the utility normally sends notices of delinquencies under**
21 **the utility's established billing procedures. However, a utility is**
22 **required to give notice to an owner under subdivision (2) only if the**
23 **owner has given the utility written notice of the owner's address to**
24 **which any notices concerning the dwelling are to be sent.**

25 ~~(c)~~ (d) The commission may establish a reasonable rate of interest
26 which a utility may charge on the unpaid balance of a customer's
27 delinquent bill that may not exceed the rate established by the
28 commission under section 34.5 of this chapter.

29 ~~(d)~~ (e) The commission shall adopt rules under IC 4-22-2 to carry
30 out the provisions of this section.

31 ~~(e)~~ (f) This section does not prohibit an electric or gas utility from
32 terminating residential utility service upon a request of a customer or
33 under the following circumstances:

34 (1) If a condition dangerous or hazardous to life, physical safety,
35 or property exists.

36 (2) Upon order by any court, the commission, or other duly
37 authorized public authority.

38 (3) If fraudulent or unauthorized use of electricity or gas is
39 detected and the utility has reasonable grounds to believe the
40 affected customer is responsible for such use.

41 (4) If the utility's regulating or measuring equipment has been
42 tampered with and the utility has reasonable grounds to believe

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that the affected customer is responsible for such tampering.
SECTION 2. IC 8-1-2-122 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 122. (a) As used in this section:

"Dwelling" means an individual residence, including a mobile home or trailer, or a room or combination of rooms, with facilities for living for a single household.

"Heating season" means the period beginning on November 1 of any year and ending on the following April 1.

(b) A utility, including a municipally owned utility, that provides energy or fuel to an occupied dwelling may not, during the heating season, terminate service to the dwelling because of the failure of the customer to pay his the customer's energy or fuel bills until fourteen (14) days after it serves notice upon the customer of its intent to terminate service.

(c) A notice served under this section must be in language that is clear, concise, and easily understandable to a layman. It must, in separately numbered paragraphs:

- (1) indicate the date on which service will be terminated;
- (2) state the reason and factual basis for the termination of service;
- (3) list the telephone number of the utility office that the customer may call during regular business hours in order to question the proposed termination of service or to seek information concerning his the customer's rights; and
- (4) state that the customer may refer to the pamphlet furnished to him the customer under 170 IAC 4-1-18 for information as to his the customer's rights.

(d) Service of a notice under this section must be by: **made:**
(1) **to the customer who occupies the dwelling for which the account is delinquent:**

- (A) by United States mail addressed to the customer; or
- ~~(2)~~ (B) by personal delivery to the customer or to a responsible member of his the customer's household;

at the address **of the dwelling, or the address otherwise** listed for the customer in the records of the utility; **and**

- (2) **if the dwelling is occupied by someone other than the owner of the dwelling, to the owner of the dwelling, by United States mail addressed to the address to which the owner has instructed, in writing, the utility to direct any notice under this section.**

The notice required by this section shall be sent to the customer

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1 **occupying the dwelling and to the owner of the dwelling, if**
2 **applicable, at the same time and in accordance with the schedule**
3 **by which the utility normally sends notices of delinquencies under**
4 **the utility's established billing procedures. However, a utility is**
5 **required to give notice to an owner under subdivision (2) only if the**
6 **owner has given the utility written notice of the owner's address to**
7 **which any notices concerning the dwelling are to be sent.**

8 (e) No notice may be served under this section before the date on
9 which the customer's account becomes delinquent.

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