

**UTILITY SHUT OFF PROTECTION AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Pitcher**

House Sponsor: Tyler Clancy

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**LONG TITLE**

**General Description:**

This bill amends provisions that prohibit an essential utility provider from terminating utility services during severe weather.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies a program that prohibits a utility provider from disconnecting a customer's water, gas, or electricity during certain periods in the year, and during certain severe weather; and
- ▶ requires a utility provider to provide notice to a customer that includes information about the program prior to disconnecting an essential utility during a certain periods of the year, and during certain severe weather..

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**35A-8-1501**, as renumbered and amended by Laws of Utah 2012, Chapter 212

**35A-8-1504**, as renumbered and amended by Laws of Utah 2012, Chapter 212



28 ENACTS:

29 [35A-8-1505](#), Utah Code Annotated 1953



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **35A-8-1501** is amended to read:

33 **35A-8-1501. Moratorium on involuntary termination for nonpayment of utility**  
34 **bills -- Eligibility criteria -- Department to establish and certify.**

35 ~~[(1)(a)]~~

36 (1) As used in this chapter:

37 (a) "Essential utility" means natural gas, electricity, and potable water.

38 (b) "Essential utility provider" means:

39 (i) a gas corporation as defined in Section [54-2-1](#);

40 (ii) an electrical corporation as defined in Section [54-2-1](#); or

41 (iii) a water corporation as defined in Section [54-2-1.1-13](#).

42 (c) "Residential customer" means a customer defined as in a residential class by the  
43 Public Service Commission.

44 (d) "Severe weather forecast" means a forecast by the National Weather Service that  
45 predicts temperatures in locations within the state of greater than 90 degrees Fahrenheit or less  
46 than 32 degrees Fahrenheit at any time in the five days following the forecast.

47 (2) The department shall establish a program for a seasonal and severe weather forecast  
48 moratorium for involuntary termination for nonpayment by residential customers of essential  
49 utility bills.

50 ~~[(b) An essential utility is a utility regulated by the Public Service Commission under~~  
51 ~~Title 54, Public Utilities, which is in the business of the retail distribution of electricity or~~  
52 ~~natural gas.]~~

53 ~~[(c) A residential customer is a customer defined as in a residential class by the Public~~  
54 ~~Service Commission.]~~

55 ~~[(2)]~~ (3) A residential customer shall meet the following criteria to qualify for the  
56 program:

57 (a) gross household income is less than 125% of the federal poverty level or the  
58 household has suffered a medical or other emergency, loss of employment, or is experiencing

59 other circumstances which have resulted in a substantial loss of income;

60 (b) the customer has [~~made application~~] applied to public and private energy assistance  
61 programs;

62 (c) the customer is willing to make a good faith effort to pay these utility bills on a  
63 consistent basis; and

64 (d) the customer provides any additional information required by the department.

65 [~~(3)~~] (4) (a) A residential customer may file with [~~a local department office~~] the  
66 department an affidavit attesting eligibility under the criteria in Subsection [~~(2)~~] (3).

67 (b) The department shall certify that the customer has met the eligibility requirements  
68 and forward a copy of the affidavit to the [~~effected~~] affected utility.

69 Section 2. Section **35A-8-1504** is amended to read:

70 **35A-8-1504. Effective period of moratorium -- Temperature-based moratorium.**

71 (1) [~~The~~] A seasonal moratorium shall be in effect each year from November 15 to  
72 March 15 [~~of each year.~~] and from May 15 to September 15.

73 (2) The department [~~may, by rule, begin the moratorium at an earlier date or extend it~~  
74 ~~to a later date when severe weather conditions warrant that action.~~] shall put into effect a  
75 location-specific moratorium, outside of the dates listed in Subsection (1), for those locations  
76 within the state under a severe weather forecast.

77 Section 3. Section **35A-8-1505** is enacted to read:

78 **35A-8-1505. Notice requirement before termination.**

79 (1) Before disconnecting an essential utility during a moratorium described in Section  
80 35A-8-1504, an essential utility provider must provide a notice to a residential customer that  
81 contains:

82 (a) the date of the scheduled disconnection;

83 (b) the amount due; and

84 (c) information regarding the moratorium program, including:

85 (i) residential customer qualifications; and

86 (ii) contact information for the department.

87 (2) An essential utility shall mail the notice by first class mail or personally deliver the  
88 notice at least two days prior to the date on which the disconnection is scheduled to occur.