

SENATE BILL No. 40

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-2-121.

Synopsis: Summer utility service assistance. Provides that from June 21 through September 23, an electric or gas utility, including a municipally owned, privately owned, or cooperatively owned utility, may not terminate residential electric or gas service for an individual who is eligible for and has applied for assistance from a home energy assistance program administered by the lieutenant governor.

Effective: July 1, 2023.

Ford J.D.

January 9, 2023, read first time and referred to Committee on Utilities.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 40

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, 2023]: Sec. 121. (a) Notwithstanding any other provision of
4 law:

5 (1) from December 1 through March 15; and
6 (2) from June 21 through September 23;
7 of any year, no electric or gas utility, including a municipally owned,
8 privately owned, or cooperatively owned utility, shall terminate
9 residential electric or gas service for persons who are eligible for and
10 have applied for assistance from a **heating home energy** assistance
11 program administered under IC 4-4-33. The commission shall
12 implement procedures to ensure that electric or gas utility service is
13 continued while eligibility for such persons is being determined.

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



1 pay the delinquent account. Such an amortization agreement must
2 provide the customer with adequate opportunity to apply for and
3 receive the benefits of any available public assistance program. An
4 amortization agreement is subject to amendment on the customer's
5 request if there is a change in the customer's financial circumstances.

6 (c) The commission may establish a reasonable rate of interest
7 which a utility may charge on the unpaid balance of a customer's
8 delinquent bill that may not exceed the rate established by the
9 commission under section 34.5 of this chapter.

10 (d) The commission shall adopt rules under IC 4-22-2 to carry out
11 the provisions of this section.

12 (e) This section does not prohibit an electric or gas utility from
13 terminating residential utility service upon a request of a customer or
14 under the following circumstances:

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

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

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

22 (4) If the utility's regulating or measuring equipment has been
23 tampered with and the utility has reasonable grounds to believe
24 that the affected customer is responsible for such tampering.

