

By: Lindley of the House
and
Coffee of the Senate

An Act relating to cities and towns; amending 11 O.S. 1991, Section 35-107, as amended by Section 4, Chapter 234, O.S.L. 1998 (11 O.S. Supp. 1999, Section 35-107), which relates to municipal utility deposits; setting forth procedure for refunding municipal utility deposits; permitting certain checks or warrants to be cancelled under certain circumstances; providing for deposit of certain funds; prohibiting claim after certain time period; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 35-107, as amended by Section 4, Chapter 234, O.S.L. 1998 (11 O.S. Supp. 1999, Section 35-107), is amended to read as follows:

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

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

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

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

D. If ~~the~~ a utility deposit refund check or warrant in excess of Five Dollars (\$5.00) has not been ~~claimed by or refunded to~~ cashed by a customer within one (1) year following termination of the utility service to the customer, the municipality shall send written notice to the customer at the last-known address of the customer stating that the refund check or warrant shall be cancelled and the deposit will be paid over to the municipality unless it is ~~claimed~~ cashed by the customer within ninety (90) days of the date the notice is mailed by the municipality. If the ~~money~~ check or warrant is not ~~claimed or refunded~~ cashed within the ninety (90) days, the check or warrant shall be cancelled and the amount of the deposit shall be paid into the fund of the municipal utility for which the deposit was collected, or into the general fund as may be determined by the governing body. No municipal utility customer shall have a right to any claim or refund on the deposit after written notice and expiration of the ninety-day period in accordance with this ~~section~~ subsection.

SECTION 2. This act shall become effective November 1, 2000.

Passed the House of Representatives the 6th day of March, 2000.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 2000.

President of the Senate