

BILL ANALYSIS

C.S.H.B. 3428
By: Parker
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have observed that circumstances surrounding the untimely passing of a person, such as that person not having a prepared last will and testament, can lead to utility services being discontinued on property left behind in the estate. The parties report that discontinuing these services can lead to the deterioration of the property, thus negatively affecting the value of the estate. C.S.H.B. 3428 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3428 amends the Estates Code to authorize a decedent's next of kin to submit to the entity that provides or provided utility service relating to electric, gas, water, wastewater, or solid waste services to real property of the decedent a request that the entity continue the service until the earlier of the 90th day after the date the entity receives the request, the 14th day after the date a personal representative of the decedent's estate qualifies, or the date the next of kin requests that the service be discontinued. The bill expressly does not require an entity to comply with such a request unless the decedent's next of kin submits with the request an electronic or paper copy of the decedent's death certificate. The bill grants next of kin who request utility service under the bill's provisions immunity from personal liability for costs associated with continuing the service but makes the decedent's estate responsible for paying all such costs. The bill requires the next of kin who requested utility service under the bill's provisions, as soon as possible after the date a personal representative of the decedent's estate qualifies, to notify the entity of that fact.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3428 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 152, Estates Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. TEMPORARY CONTINUATION OF UTILITY SERVICE
Sec. 152.151. TEMPORARY CONTINUATION OF UTILITY SERVICE.

(a) A decedent's next of kin may submit to an entity that provides or provided utility service to real property of the decedent a request that the entity continue the service until the earlier of:

- (1) the 90th day after the date the entity receives the request;
- (2) the 14th day after the date a personal representative of the decedent's estate qualifies; or
- (3) the date the next of kin requests that the service be discontinued.

(b) An entity that receives a request described by Subsection (a):

- (1) is not required to comply with the request unless the decedent's next of kin submits with the request an electronic or paper copy of the decedent's death certificate; and
- (2) shall suspend imposition and collection of penalties or fees associated with nonpayment during the period the entity provides the requested service.

(c) Next of kin who request service under this section are not personally liable for costs associated with continuing the service as described by this section. Costs associated with service requested under this section are a liability of the decedent's estate.

(d) As soon as possible after the date a personal representative of the decedent's estate qualifies, the next of kin who requested service under this section shall notify the entity of that fact.

SECTION 2. The changes in law made by this Act apply only to utility service of a decedent who dies on or after the effective date of this Act.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 152, Estates Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. TEMPORARY CONTINUATION OF UTILITY SERVICE
Sec. 152.151. TEMPORARY CONTINUATION OF UTILITY SERVICE.

(a) For the purposes of this section, "utility service" means a service provided by a public or private entity relating to electric, gas, water, wastewater, or solid waste services.

(b) A decedent's next of kin may submit to an entity that provides or provided utility service to real property of the decedent a request that the entity continue the service until the earlier of:

- (1) the 90th day after the date the entity receives the request;
- (2) the 14th day after the date a personal representative of the decedent's estate qualifies; or
- (3) the date the next of kin requests that the service be discontinued.

(c) An entity that receives a request described by Subsection (b)

is not required to comply with the request unless the decedent's next of kin submits with the request an electronic or paper copy of the decedent's death certificate.

(d) Next of kin who request utility service under this section are not personally liable for costs associated with continuing the service as described by this section. The decedent's estate is responsible for paying all costs associated with service requested under this section.

(e) As soon as possible after the date a personal representative of the decedent's estate qualifies, the next of kin who requested utility service under this section shall notify the entity of that fact.

SECTION 2. Same as introduced version.

SECTION 3. This Act takes effect
September 1, 2015.

SECTION 3. Same as introduced version.