

1989 Senate Bill 29

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1989 WISCONSIN ACT 40

AN ACT to create 196.635 (3), 196.642 and 196.643 of the statutes, relating to: public utility customer service.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 196.635 (3) of the statutes is created to read:

196.635 (3) The customer obtained the service by negligent interference by the customer or the customer's agent with equipment necessary to measure service and the interference causes service to go unmeasured.

SECTION 2. 196.642 of the statutes is created to read:

196.642 Customer liability for treble damages. (1)

In an action to collect the outstanding balance on a customer's account, a court may award a public utility furnishing gas or electricity 3 times the amount of that portion of the outstanding balance incurred after October 31 and before April 16 if all of the following conditions are met:

(a) The customer's payment on any portion of the outstanding balance incurred after October 31 and before April 16 is 80 or more days past due.

(b) The customer's quarterly household income exceeds 250% of the income poverty guidelines for the nonfarm population of the United States as prescribed by the federal office of management and budget under 42 USC 9902 (2) during a calendar year quarter in which any portion of the outstanding balance incurred after October 31 and before April 16 is billed.

(c) The customer exhibited an ability to pay the portion of the outstanding balance incurred after October 31 and before April 16 when billed.

(d) The public utility includes with the first billing statement for any portion of an outstanding balance incurred after October 31 and before April 16 a written

notice informing the customer that a court may award the public utility 3 times the amount of that portion of the outstanding balance incurred after October 31 and before April 16 if the customer's payment on any portion of that amount is 80 or more days past due, the customer exhibited an ability to pay that amount and the customer's household income exceeds a threshold level.

(2) The finder of fact shall consider all of the following factors to determine if a customer exhibited an ability to pay:

(a) Size of the outstanding balance.

(b) Customer's payment history.

(c) Period of time the balance is past due.

(d) Customer's reasons for the outstanding balance.

(e) Customer's household size, income and expenses.

(3) The finder of fact may consider other relevant factors concerning a customer's circumstances to determine if a customer exhibited an ability to pay.

(4) Nothing in this section prevents a public utility in an action to collect the outstanding balance on a customer's account from seeking damages other than damages that meet the conditions under sub. (1), but the treble damages provision applies only to damages that meet the conditions under sub. (1).

SECTION 3. 196.643 of the statutes is created to read:

196.643 Owner responsibility for service to rental dwelling unit. (1) RESPONSIBLE PARTY. When a customer terminates service to the customer's rental dwelling unit, a public utility shall make reasonable attempt to identify the party responsible for service to the rental dwelling unit after the customer's termination. If a responsible party cannot be identified, the public utility may give the

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owner written notice by regular or other mail of the public utility's intent to hold the owner responsible for service to the rental dwelling unit. The owner shall not be responsible for service if the public utility does not give the notice under this subsection or if, within 15 days after the date the notice is mailed, the owner notifies the public utility of the name of the party responsible for service to the rental dwelling unit or notifies the public utility that service to the rental dwelling unit should be terminated and affirms that service termination will not endanger human health or life or cause damage to property.

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(2) JOINT METERING. If gas, electric or water service is measured jointly for 2 or more rental dwelling units, the owner shall maintain the account for gas, electric or water service in the name of the owner or in the name of the agent responsible for the collection of rent and the management of the rental dwelling units.

SECTION 4. Initial applicability. The treatment of section 196.643 (2) of the statutes first applies to residential leases entered into, renewed, extended or modified after the effective date of this SECTION.