

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**H. B. No. 551**

**Representative Snitchler**

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**A B I L L**

To enact section 743.50 of the Revised Code to 1  
require a municipal utility supplying surplus 2  
electricity to nonresidents to provide written 3  
notice of termination one year before terminating 4  
the service. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 743.50 of the Revised Code be enacted 6  
to read as follows: 7

**Sec. 743.50.** If the auditor of state has determined that a 8  
municipal corporation is supplying to nonresidents more than fifty 9  
per cent of the total electrical service supplied by the municipal 10  
corporation within the municipal corporation, and if the municipal 11  
corporation intends to discontinue service to a nonresident for 12  
the purpose of complying with the limitation of Section 6 of 13  
Article XVIII, Ohio Constitution, the municipal corporation shall 14  
provide written notice to the nonresident that the service will be 15  
terminated not less than one year before the date service will be 16  
terminated. For not less than one year after such notice has been 17  
provided, the municipal corporation shall continue to supply to 18  
the nonresident electricity and any other utility service that it 19  
supplied to the nonresident on the date of the notice under the 20

same terms the service was supplied on that date, except as 21  
follows: 22

(A) Service may be terminated before the end of the one-year 23  
period if service is terminated to residents. 24

(B) Charges assessed for providing the service to the 25  
nonresident may not be increased by a percentage that exceeds the 26  
percentage by which such charges to residents increased. 27

If a municipal corporation to which this section applies 28  
terminates service to a nonresident after the one-year notice 29  
period has expired, the municipal corporation, the nonresident, 30  
and the public utility supplying electricity to the nonresident 31  
each shall be responsible for one-third of the reasonable costs 32  
incurred by the nonresident or public utility in establishing new 33  
electricity service, unless the municipal corporation also 34  
terminates service to residents. If the municipal corporation does 35  
not terminate service to the nonresident after the one-year notice 36  
period has expired, it shall continue to supply electricity to the 37  
nonresident under the same terms as the service was supplied on 38  
the date of the notice, except as provided in divisions (A) and 39  
(B) of this section. 40

A person aggrieved by a municipal corporation's or public 41  
utility's failure to comply with this section may bring an action 42  
for damages and injunctive relief against the municipal 43  
corporation or public utility in the court of common pleas of the 44  
county in which the municipal corporation or public utility has 45  
territory. 46