

**As Reported by the House Public Utilities Committee**

**130th General Assembly  
Regular Session  
2013-2014**

**Sub. H. B. No. 662**

**Representatives Duffey, McGregor**

**Cosponsor: Representative Stautberg**

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**A B I L L**

To enact sections 4781.401, 5311.082, 5321.061, 1  
5325.01, 5325.02, 5325.021, 5325.04, 5325.041, 2  
5325.05, 5325.06, 5325.07, 5325.08, 5325.09, 3  
5325.13, 5325.14, 5325.15, 5325.17, and 5325.18 of 4  
the Revised Code regarding the reselling of public 5  
utility service. 6

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

**Section 1.** That sections 4781.401, 5311.082, 5321.061, 7  
5325.01, 5325.02, 5325.021, 5325.04, 5325.041, 5325.05, 5325.06, 8  
5325.07, 5325.08, 5325.09, 5325.13, 5325.14, 5325.15, 5325.17, and 9  
5325.18 of the Revised Code be enacted to read as follows: 10

Sec. 4781.401. A park operator shall comply with Chapter 11  
5325. of the Revised Code. 12

Sec. 5311.082. A unit owners association shall comply with 13  
Chapter 5325. of the Revised Code. 14

Sec. 5321.061. A landlord shall comply with Chapter 5325. of 15  
the Revised Code. 16

Sec. 5325.01. As used in this chapter: 17

<u>(A) "Consumer" means a resident, tenant, or unit owner.</u>	18
<u>(B) "Landlord" and "tenant" have the same meanings as in section 5321.01 of the Revised Code.</u>	19 20
<u>(C) "Park operator" and "resident" have the same meanings as in section 4781.01 of the Revised Code.</u>	21 22
<u>(D) "Proprietor" means a landlord, park operator, unit owners association, or other person or entity that has an ownership interest in the property or in facilities at the property, as applicable.</u>	23 24 25 26
<u>(E) "Proprietor's agent" means any person or entity that provides public utility service or billing services related to public utility service to consumers for or on behalf of a proprietor.</u>	27 28 29 30
<u>(F) "Public utility service" means electric, natural gas, water, or sewer service.</u>	31 32
<u>(G) "Unit owner" and "unit owners association" have the same meanings as in section 5311.01 of the Revised Code.</u>	33 34
<u>Sec. 5325.02. A proprietor or the proprietor's agent charging rates, fees, or costs under this chapter shall measure public utility service provided to the consumer through a master meter, a master meter in conjunction with a submeter, or a public-utility-owned meter.</u>	35 36 37 38 39
<u>Sec. 5325.021. All meters operating under this chapter shall meet the same standards for meters established by any of the following, as jurisdictionally applicable:</u>	40 41 42
<u>(A) The public utilities commission under section 4905.28 of the Revised Code;</u>	43 44
<u>(B) A municipality;</u>	45

(C) Another governing authority. 46

Sec. 5325.04. A proprietor or the proprietor's agent may 47  
charge consumers for public utility services. The charges are to 48  
be allocated to consumers in accordance with actual consumption as 49  
measured by a submeter or in accordance with section 5325.041 of 50  
the Revised Code. The rates, fees, and costs charged for a public 51  
utility service shall be one of the following: 52

(A) The actual rates, fees, and costs charged to the 53  
proprietor or the proprietor's agent for the public utility 54  
service; or 55

(B) Rates, fees, and costs determined by the proprietor or 56  
the proprietor's agent that may not exceed the residential rates, 57  
fees, and costs that are charged for the public utility service in 58  
the immediate service territory to residential customers for the 59  
same quantity of service and that are in effect at the time the 60  
proprietor or agent prepares the consumer's bill for service. 61

Sec. 5325.041. A proprietor or the proprietor's agent must 62  
use actual consumption as measured by a submeter, or a formula, 63  
including a ratio utility billing system, for determining the cost 64  
of the public utility service provided to a consumer. 65

Sec. 5325.05. (A) A proprietor or the proprietor's agent 66  
charging rates, fees, and costs for public utility services under 67  
division (A) of section 5325.04 of the Revised Code may charge one 68  
reasonable administrative fee to a consumer relating to the 69  
provision of, or billing for, all public utility services for 70  
which the consumer is charged under that division. A consumer may 71  
be charged only one administrative fee each month for all public 72  
utility services. 73

(B) A proprietor or the proprietor's agent charging rates, 74

fees, and costs for any public utility service under division (B) 75  
of section 5325.04 of the Revised Code shall not charge any 76  
administrative or additional fee to a consumer relating to the 77  
provision of, or billing for, all public utility services. 78

(C) The public utilities commission shall adopt a rule to 79  
establish a reasonable administrative fee as described in division 80  
(A) of this section. 81

Sec. 5325.06. No proprietor or proprietor's agent that 82  
allocates to consumers charges for public utility services 83  
provided to common areas and for commonly used equipment shall 84  
charge consumers rates, fees, or costs that exceed the actual 85  
rates, fees, or costs incurred for public utility services for 86  
such areas and equipment. 87

Sec. 5325.07. A proprietor or the proprietor's agent that 88  
charges consumers for public utility services shall bill consumers 89  
monthly unless the proprietor or agent is billed on a less 90  
frequent basis by the utility. 91

Sec. 5325.08. Prior to entering into a rental agreement, 92  
association agreement, lease, or contract for public utility 93  
service, the proprietor or the proprietor's agent, as applicable, 94  
shall provide to each prospective consumer an acknowledgement form 95  
to sign before entering into the agreement, lease, or contract 96  
that contains the following information: 97

(A) A description of how the consumer will be billed for 98  
public utility service; 99

(B) Whether a charge will be allocated pursuant to section 100  
5325.06 of the Revised Code; 101

(C) That the total charges for electric and natural gas 102  
service, as applicable, may exceed the residential rates, fees and 103

costs that are charged in the immediate service territory to residential customers for that service. 104  
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Sec. 5325.09. (A) A proprietor or the proprietor's agent shall do the following: 106  
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(1) Maintain adequate records detailing all public utility service measurements for which a proprietor or agent charges rates, fees, and costs pursuant to this chapter and the charges for the service; 108  
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(2) Keep the records for a minimum of three years after the termination of the lease, rental agreement, or association agreement, or any contract for public utility service between a consumer and agent. 112  
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(B) Upon reasonable prior request, the proprietor or agent shall make a record created under this section available for inspection by a consumer during normal business hours. The consumer may inspect only those records pertaining to that consumer's public utility service consumption. 116  
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Sec. 5325.13. (A)(1) A proprietor may terminate public utility service for nonpayment. Such termination, regardless of the type of service being terminated, shall be done in accordance with all rules for terminating public utility service for nonpayment established by any of the following, as jurisdictionally applicable: 121  
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(a) The public utilities commission as such rules are applied to electric light companies or natural gas companies; 127  
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(b) A municipality; 129

(c) Another governing authority. 130

(2) A unit owners association may terminate the service of facilitating public utility service in accordance with this 131  
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section regardless of whether such authority is specifically set forth in documents required by section 5311.05 or 5311.26 of the Revised Code. 133  
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(B) Termination of public utility service pursuant to this section is not constructive eviction in violation of Chapter 1923. or 5321. of the Revised Code. 136  
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Sec. 5325.14. (A) A park operator or landlord that elects to terminate public utility service for a consumer pursuant to section 5325.13 of the Revised Code waives the right to evict the consumer for failure to make timely payment for public utility service pursuant to Chapter 1923. of the Revised Code. 139  
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(B) A park operator or landlord that elects to terminate public utility service for a consumer pursuant to section 5325.13 of the Revised Code does not waive or diminish the park operator's or landlord's right to seek eviction for violations of any other provision of a lease or rental agreement. 144  
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Sec. 5325.15. Nothing in this chapter shall limit the authority of the public utilities commission, municipality, or other local jurisdiction to prohibit or limit the reselling of public utility service. 149  
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Sec. 5325.17. In addition to other remedies authorized by law, the attorney general may bring a civil action to enforce this chapter. The authority of the attorney general to bring an action under this section shall not affect the right of a consumer to pursue any remedy available under law for a violation of this chapter. 153  
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Sec. 5325.18. If a proprietor or proprietor's agent violates any provision of this chapter, the affected consumer may bring a civil action to recover double the amount of damages resulting 159  
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from the violation, obtain injunctive relief to prevent the  
recurrence of the conduct, or both.

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