

HB # 4430

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SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



# ENROLLED

*Com. Sub. For*  
HOUSE BILL No. 4430

(By Delegates *McKinley, Trump, Staton*  
*and Kessel*)



Passed March 12, 1994

In Effect 90 Days From Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 4430**

(By DELEGATES MCKINLEY, TRUMP, STATON AND KESSEL)

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[Passed March 12, 1994; in effect ninety days from passage.]

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AN ACT to amend article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section seventeen, relating to the public service commission promulgating rules to effect electric utilities; providing a plan for identifying persons needing special services during power outages; providing notification of planned outages and developing procedures to restore services to those persons on life support systems; and defining the term life support system.

*Be it enacted by the Legislature of West Virginia:*

That article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section seventeen, to read as follows:

**ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.**

**§24-2-17. Registry of electric customers on life support systems; notification prior to scheduled outages; priority of service restoration; limitation of liability; life support defined.**

- 1     (a) In addition to all other powers and duties conferred  
2     upon the commission by this chapter, the commission

3 shall promulgate rules establishing requirements for  
4 electric utilities in this state for purposes of accomplish-  
5 ing the following:

6 (1) Identifying and maintaining a registry of persons  
7 that are dependent upon life support systems which  
8 require electric service to function, and updating that  
9 registry at least twice annually; all new customers shall  
10 be notified of the registry and its functions;

11 (2) Providing adequate notice of planned power  
12 outages to each residence in the registry; and

13 (3) Organizing service restoration so that, as much as  
14 practicable given the scope and nature of a power  
15 outage, priority is given to residences listed in the  
16 registry.

17 (b) An electric utility which acts in good faith to  
18 comply with the rules promulgated in accordance with  
19 this section shall not be liable for damages in a civil  
20 action for any injuries or deaths resulting from loss of  
21 power to a life support system as a result of a power  
22 outage.

23 (c) Nothing in this section shall be construed as  
24 requiring an electric utility to provide back-up life  
25 support to any customers.

26 (d) For purposes of this section, the term "life support  
27 system" means a kidney dialysis machine, mechanical  
28 ventilation device or other medical device, the use of  
29 which is prescribed by a licensed physician and upon the  
30 request of the patient or his or her patient representa-  
31 tive, is certified by such physician in writing to the  
32 electric utility as necessary to sustain critical body  
33 functions and without which a person is in imminent  
34 risk of death.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Handwritten Signature]*  
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Chairman Senate Committee

*Ernest C Moore*  
-----  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*[Handwritten Signature]*  
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Clerk of the Senate

*[Handwritten Signature]*  
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Clerk of the House of Delegates

*[Handwritten Signature]*  
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President of the Senate

*[Handwritten Signature]*  
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Speaker of the House of Delegates

The within is approved this the 29<sup>th</sup>  
day of March, 1994.

*[Handwritten Signature]*  
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Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/94

Time 10:14 am