

SENATE BILL NO. 1626

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

7063S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 393, RSMo, by adding thereto one new section relating to excessive charges by public utilities.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 393, RSMo, is amended by adding thereto
2 one new section, to be known as section 393.402, to read as
3 follows:

**393.402. 1. As used in this section, the following
2 terms mean:**

3 (1) "Commission", the Missouri public service
4 commission;

5 (2) "Public utility", the same as defined in section
6 386.020.

7 2. Whenever a complaint has been made by a rate payer
8 to the commission concerning any rate, fare, toll, rental,
9 or charge for any product or commodity furnished or service
10 performed by a public utility, and the commission has found,
11 after conducting an investigation, that the public utility
12 has charged an excessive or discriminatory amount for such
13 product, commodity, or service, the commission may order
14 that the public utility make due reparation to the
15 complainant therefor, with interest from the date of
16 collection determined by the commission, provided no
17 discrimination will result from such reparation. The

18 commission shall also have the authority to impose penalties
19 or fines on the public utility for such excessive or
20 discriminatory charges pursuant to the provisions of this
21 chapter and chapter 386. In case of a continuing violation
22 by a public utility under this subsection, for each day a
23 violation occurred shall be considered a separate and
24 distinct offence pursuant to the provisions of section
25 386.570.

26 3. If the public utility does not comply with the
27 order from the commission under subsection 2 of this section
28 within the specified time frame as provided in such order,
29 the commission may commence a civil action in a court of
30 competent jurisdiction for the enforcement of such order.
31 If the court finds that a violation occurred, the court
32 shall enter an order so declaring and the court shall order
33 that the public utility comply with the commission order
34 under subsection 2 of this section. The court may also
35 grant injunctive relief, attorney fees, and any such other
36 relief the court finds appropriate.

37 4. Any rate payer aggrieved by excessive or
38 discriminatory charges by a public utility under this
39 section may submit a complaint to the commission within two
40 years from the date such excessive or discriminatory charges
41 occurred. The commission may commence a civil action under
42 subsection 3 of this section within one year from the date
43 the commission issued an order under subsection 2 of this
44 section.

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