WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1994

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ENROLLED
Com. Sub. For
HOUSE BILL No. 4430

(By Delegates McKinley, Trump, Staton and Kesel)

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Passed March 12, 1994
in Effect 90 Days From Passage
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.

(a) In addition to all other powers and duties conferred upon the commission by this chapter, the commission
shall promulgate rules establishing requirements for
electric utilities in this state for purposes of accomplishing
the following:

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

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

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

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

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

(d) For purposes of this section, the term "life support
system" means a kidney dialysis machine, mechanical
ventilation device or other medical device, the use of
which is prescribed by a licensed physician and upon the
request of the patient or his or her patient representa-
tive, is certified by such physician in writing to the
electric utility as necessary to sustain critical body
functions and without which a person is in imminent
risk of death.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within __ approved __ this the __ day of __, 1994.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/25/41
Time 10:14 am