Stricken language would be deleted from and underlined language would be added to present law. Act 1210 of the Regular Session

1 2	State of Arkansas As Engrossed: $H3/14/13$ $H3/21/13$ 89th General Assembly $As Engrossed: H3/14/13$ $As Engrossed: As Engrossed: H3/14/13 As Engrossed: H3/14/13 As Engrossed: H3/14/13$
	89th General Assembly A DIII Regular Session, 2013 HOUSE BILL 1688
3 4	Regular Session, 2015
	By: Representative Davis
5 6	By: Senator Hester
7	By. Senator Hester
8	For An Act To Be Entitled
9	AN ACT TO ASSIST THE COLLECTION OF DELINQUENT SEWER
10	UTILITY BILLS; AND FOR OTHER PURPOSES.
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12	
13	Subtitle
14	TO ASSIST THE COLLECTION OF DELINQUENT
15	SEWER UTILITY BILLS.
16	
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18	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19	
20	SECTION 1. DO NOT CODIFY. Findings and legislative intent.
21	(a) The General Assembly finds that:
22	(1) Arkansas is a rural state, and many citizens have sewer
23	utility service provided by relatively small sewer utilities that do not
24	control customers' water service but are required to meet stringent state and
25	federal water quality standards and collect service fees from customers to
26	properly operate the sewer utility;
27	(2) Many sewer utilities are owned by private entities,
28	neighborhood associations, or improvement districts that do not have the
29	resources to incur collection costs when payment for sewer utility services
30	are not made;
31	(3) A sewer utility that does not control its customers' water
32	service is prevented from discontinuing sewer utility service to a customer
33	due to nonpayment despite the need to continue sewer utility service to avoid
34	unsanitary conditions and potential health risks; and
35	(4) A sewer utility that does not control its customers' water
36	service needs a mechanism to collect unpaid sewer utility service fees from

1	its customers.
2	(b) It is the intent of this act to assist a sewer utility that does
3	not control its customers' water service by providing a mechanism to collect
4	unpaid sewer utility service fees from its customers and requiring
5	cooperation from the provider of its customers' water service.
6	
7	SECTION 2. Arkansas Code Title 14, Chapter 234, is amended to add an
8	additional subchapter to read as follows:
9	Subchapter 7 - The Sewer Utility Collection Act.
10	14-234-701. Title.
11	This subchapter shall be known and may be cited as the "Sewer Utility
12	Collection Act".
13	
14	14-234-702. Definitions.
15	As used in this subchapter:
16	(1) "Corresponding water utility" means an individual or entity
17	that:
18	(A) Owns or operates in this state equipment or facilities
19	for diverting, developing, pumping, impounding, distributing, or furnishing
20	water to or for the public for compensation; and
21	(B) Is not under common ownership with a sewer utility;
22	<u>and</u>
23	(2) "Sewer utility" means an individual or entity that maintains
24	a sewage collection system or a sewage treatment plant, intercepting sewers,
25	outfall sewers, force mains, pumping stations, ejector stations, and other
26	appurtenances necessary or useful for the collection or treatment,
27	purification, and disposal of liquid and solid waste, sewage, or wastewater.
28	
29	14-234-703. Cooperation between sewer and water utilities —
30	Termination of water service.
31	(a)(1) A sewer utility may request notification from a corresponding
32	water utility of any change to customer information, including without
33	limitation a change:
34	(A) To a billing address; and
35	(B) In service, including a new or additional connection
36	or a disconnection.

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1	(2) A corresponding water utility shall provide the customer
2	information requested to the sewer utility within fifteen (15) days of the
3	change in customer information.
4	(b) A corresponding water utility shall terminate water service to a
5	customer of the sewer utility who is also a customer of the corresponding
6	water utility upon receiving written documentation from the sewer utility
7	that the customer:
8	(1) Has not paid for sewer utility service for more than twenty-
9	five (25) days past the earliest due date shown on the face of the sewer
10	utility bill; and
11	(2) Has been sent notice via the United States Postal Service to
12	an address provided by the customer that service will be terminated in no
13	less than fifteen (15) days from the date of mailing if the balance due for
14	sewer utility service and any applicable late fees are not paid.
15	(c) Upon receipt of payment for the outstanding balance for sewer
16	utility service, the sewer utility shall promptly notify the corresponding
17	water utility to reconnect the customer's water service.
18	(d)(1) If water service is terminated under subsection (b) of this
19	section, a corresponding water utility may charge the customer a fee to
20	reestablish water service.
21	(2) A corresponding water utility shall not:
22	(A) Charge a sewer utility a fee for:
23	(i) Terminating water service under subsection (b)
24	of this section; or
25	(ii) Reestablishing water service under subdivision
26	(d)(1) of this section; or
27	(B) Have any liability for complying in good faith with a
28	requirement of this section.
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30	/s/Davis
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33	APPROVED: 04/12/2013
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