

State of Arkansas

82nd General Assembly

Regular Session, 1999

A Bill

HOUSE BILL 1149

By: Representative J. Jeffress

For An Act To Be Entitled

"AN ACT TO PROHIBIT APARTMENT HOUSE OWNERS FROM
CHARGING TENANTS FOR UTILITY CONSUMPTION IN EXCESS OF
THE ACTUAL UTILITY CHARGE; AND FOR OTHER PURPOSES."

Subtitle

"TO PROHIBIT APARTMENT HOUSE OWNERS FROM
CHARGING TENANTS FOR UTILITY CONSUMPTION
IN EXCESS OF THE ACTUAL UTILITY CHARGE."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. For the purposes of this act:

(1) "Apartment house" means one or more buildings containing two or
more dwelling units rented primarily for nontransient use with rent paid at
intervals of one week or longer;

(2) "Apartment house owner" means the legal titleholder of an
apartment house or an individual, firm, or corporation purporting to be the
landlord of tenants in the apartment house;

(3) "Customer" means an individual, firm, or corporation in whose name
a master meter is connected by a utility;

(4) "Dwelling unit" means one or more rooms that are suitable for
occupancy as a residence and that contain kitchen and bathroom facilities;

(5) "Nonsubmetered master metered utility service" means an electric,
gas, water, or wastewater utility service that is master metered for an
apartment house but is not submetered;

(6) "Tenant" means a person who is entitled to occupy a dwelling unit
in an apartment house to the exclusion of others and who is obligated to pay
for the occupancy under a written or oral rental agreement; and

1 (7) "Utility" means a public, private, or member-owned utility that
2 provides electricity, gas, water, or wastewater service to an apartment house
3 served by a master meter.

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5 SECTION 2. (a) An apartment house owner shall not, directly nor
6 through any third party, impose a charge on a tenant in excess of the actual
7 charge imposed on the owner for utility consumption by the apartment house.

8 (b) Apartment house owners shall maintain adequate records, including
9 utility bills and records, concerning the nonsubmetered master metered utility
10 service consumption of the apartment house, the charges assessed by the
11 utility, and the nonsubmetered master metered utility service costs to the
12 tenants and make the records available for inspection by the tenants during
13 normal business hours.

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15 SECTION 3. (a) An apartment house owner who violates this act is
16 liable to the tenant for:

- 17 (1) three times the amount of any overcharge;
18 (2) a civil penalty equal to one month's rent;
19 (3) reasonable attorney's fees; and
20 (4) court costs.

21 (b) An apartment house owner is not liable for the civil penalty
22 provided by subdivision(a)(2) if the apartment house owner proves that the
23 violation of this act was an unintentional mistake made in good faith.

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25 SECTION 4. All provisions of this Act of a general and permanent nature
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
27 Revision Commission shall incorporate the same in the Code.

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29 SECTION 5. If any provision of this Act or the application thereof to
30 any person or circumstance is held invalid, such invalidity shall not affect
31 other provisions or applications of the Act which can be given effect without
32 the invalid provision or application, and to this end the provisions of this
33 Act are declared to be severable.

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35 SECTION 6. All laws and parts of laws in conflict with this Act are
36 hereby repealed.