

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H3/14/13

A Bill

HOUSE BILL 1688

5 By: Representative Davis
6

For An Act To Be Entitled

8 AN ACT TO ASSIST THE COLLECTION OF DELINQUENT SEWER
9 UTILITY BILLS; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO ASSIST THE COLLECTION OF DELINQUENT
12 SEWER UTILITY BILLS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. DO NOT CODIFY. Findings and legislative intent.

20 (a) The General Assembly finds that:

21 (1) Arkansas is a rural state, and many citizens have sewer
22 utility service provided by relatively small sewer utilities that do not
23 control customers' water service but are required to meet stringent state and
24 federal water quality standards and collect service fees from customers to
25 properly operate the sewer utility;

26 (2) Many sewer utilities are owned by private entities,
27 neighborhood associations, or improvement districts that do not have the
28 resources to incur collection costs when payment for sewer utility services
29 are not made;

30 (3) A sewer utility that does not control its customers' water
31 service is prevented from discontinuing sewer utility service to a customer
32 due to nonpayment despite the need to continue sewer utility service to avoid
33 unsanitary conditions and potential health risks; and

34 (4) A sewer utility that does not control its customers' water
35 service needs a mechanism to collect unpaid sewer utility service fees from
36 its customers.



1 (b) It is the intent of this act to assist a sewer utility that does
2 not control its customers' water service by providing a mechanism to collect
3 unpaid sewer utility service fees from its customers and requiring
4 cooperation from the provider of its customers' water service.

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6 SECTION 2. Arkansas Code Title 14, Chapter 234, is amended to add an
7 additional subchapter to read as follows:

8 Subchapter 7 – The Sewer Utility Collection Act.

9 14-234-701. Title.

10 This subchapter shall be known and may be cited as the “Sewer Utility
11 Collection Act”.

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13 14-234-702. Definitions.

14 As used in this subchapter:

15 (1) "Corresponding water utility" means an individual or entity
16 that:

17 (A) Owns or operates in this state equipment or facilities
18 for diverting, developing, pumping, impounding, distributing, or furnishing
19 water to or for the public for compensation; and

20 (B) Is not under common ownership with a sewer utility;
21 and

22 (2) "Sewer utility" means an individual or entity that maintains
23 a sewage collection system or a sewage treatment plant, intercepting sewers,
24 outfall sewers, force mains, pumping stations, ejector stations, and other
25 appurtenances necessary or useful for the collection or treatment,
26 purification, and disposal of liquid and solid waste, sewage, or wastewater.

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28 14-234-703. Cooperation between sewer and water utilities –
29 Termination of water service.

30 (a)(1) A sewer utility may request notification from a corresponding
31 water utility of any change to customer information, including without
32 limitation a change:

33 (A) To a billing address; and

34 (B) In service, including a new or additional connection
35 or a disconnection.

36 (2) A corresponding water utility shall provide the customer

1 information requested to the sewer utility within fifteen (15) days of the
2 change in customer information.

3 (b) A corresponding water utility shall terminate water service to a
4 customer of the sewer utility who is also a customer of the corresponding
5 water utility upon receiving written documentation from the sewer utility
6 that the customer:

7 (1) Has not paid for sewer utility service for more than twenty-
8 five (25) days past the earliest due date shown on the face of the sewer
9 utility bill; and

10 (2) Has been sent notice via the United States Postal Service to
11 an address provided by the customer that service will be terminated in no
12 less than fifteen (15) days from the date of mailing if the balance due for
13 sewer utility service and any applicable late fees are not paid.

14 (c) Upon receipt of payment for the outstanding balance for sewer
15 utility service, the sewer utility shall promptly notify the corresponding
16 water utility to reconnect the customer's water service.

17 (d)(1) If water service is terminated under subsection (b) of this
18 section, a corresponding water utility may charge the customer a fee to
19 reestablish water service.

20 (2) A corresponding water utility shall not:

21 (A) Charge a sewer utility a fee for:

22 (i) Terminating water service under subsection (b)
23 of this section; or

24 (ii) Reestablishing water service under subdivision
25 (d)(1) of this section; or

26 (B) Have any liability for complying in good faith with a
27 requirement of this section.

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29 /s/Davis
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