

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

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/14/13 H3/21/13

A Bill

HOUSE BILL 1688

By: Representative Davis

By: Senator Hester

For An Act To Be Entitled

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

Subtitle

TO ASSIST THE COLLECTION OF DELINQUENT
SEWER UTILITY BILLS.

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

SECTION 1. DO NOT CODIFY. Findings and legislative intent.

(a) The General Assembly finds that:

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

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

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

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



its customers.

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

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

Subchapter 7 – The Sewer Utility Collection Act.

14-234-701. Title.

This subchapter shall be known and may be cited as the "Sewer Utility Collection Act".

14-234-702. Definitions.

As used in this subchapter:

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

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

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

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

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

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

(A) To a billing address; and

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

(2) A corresponding water utility shall provide the customer information requested to the sewer utility within fifteen (15) days of the change in customer information.

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

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

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

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

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

(2) A corresponding water utility shall not:

(A) Charge a sewer utility a fee for:

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

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

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

/s/Davis

APPROVED: 04/12/2013