

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Bill No. 48, Page 3, Section 247.060, Line 82,
by inserting after all of said section and line the following:

“250.140. 1. Sewerage services, water services, or water and sewerage services combined shall be deemed to be furnished to both the occupant and owner of the premises receiving such service and, except as otherwise provided in subsection 2 of this section, the city, town, village, or sewer district or water supply district organized and incorporated under chapter 247 rendering such services shall have power to sue the occupant or owner, or both, of such real estate in a civil action to recover any sums due for such services less any deposit that is held by the city, town, village, or sewer district or water supply district organized and incorporated under chapter 247 for such services, plus a reasonable attorney's fee to be fixed by the court.

2. When the occupant is delinquent in payment for thirty days, the city, town, village, sewer district, or water supply district shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Notwithstanding any other provision of this section to the contrary, when an occupant is delinquent more than ninety days, the owner shall not be liable for sums due for more than ninety days of service[; provided, however, that in any city not within a county and any home rule city with more than four hundred thousand inhabitants and located in more than one county, until January 1, 2007, when an occupant is delinquent more than one hundred twenty days the owner shall not be liable for sums due for more than one hundred twenty days of service, and after January 1, 2007, when an occupant is delinquent more than ninety days the owner shall not be liable for sums due for more than ninety days]. Any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service.

3. The provisions of this section shall apply only to residences that have their own private water and sewer lines. In instances where several residences share a common water or sewer line, the owner of the real property upon which the residences sit shall be liable for water and sewer expenses.

4. (a) Notwithstanding any other provision of law to the contrary, any water provider or premises owner who terminates service due to delinquency of payment by a consumer shall not be

1 liable for any civil or criminal damages for termination of such service, nor shall termination of
2 such service be deemed constructive eviction.

3 (b) A person who falsely states to a water provider that he or she is the premises owner
4 shall be guilty of an infraction.

5 5. The provisions of subsections 1, 2, and 3 of this section shall not apply to unapplied-for
6 utility services. As used in this subsection, "unapplied-for utility services" means services
7 requiring application by the property owner and acceptance of such application by the utility prior
8 to the establishment of an account. The property owner is billed directly for the services provided,
9 and as a result, any delinquent payment of a bill becomes the responsibility of the property owner
10 rather than the occupant.”; and

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12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.
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