

HOUSE AMENDMENT NO. ____

TO

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Offered By

1 AMEND House Amendment No. _____ to House Committee Substitute for Senate Bill No.
2 207, Page 1, Line 4, by inserting immediately before said line the following:

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4 “250.140. 1. Sewerage services, water services, or water and sewerage services combined
5 shall be deemed to be furnished to both the occupant and owner of the premises receiving such
6 service and, except as otherwise provided in subsection 2 of this section, the city, town, village, or
7 sewer district or water supply district organized and incorporated under chapter 247 rendering
8 such services shall have power to sue the occupant or owner, or both, of such real estate in a civil
9 action to recover any sums due for such services less any deposit that is held by the city, town,
10 village, or sewer district or water supply district organized and incorporated under chapter 247 for
11 such services, plus a reasonable attorney's fee to be fixed by the court.

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

24 3. The provisions of this section shall apply only to residences that have their own private
25 water and sewer lines. In instances where several residences share a common water or sewer line,

Action Taken _____ Date _____ 1

1 the owner of the real property upon which the residences sit shall be liable for water and sewer
2 expenses.

3 4. Notwithstanding any other provision of law to the contrary, any water provider or
4 premises owner who terminates service due to delinquency of payment by a consumer shall not be
5 liable for any civil or criminal damages for termination of such service, nor shall termination of
6 such service be deemed constructive eviction.

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

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

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