

SECOND REGULAR SESSION

HOUSE BILL NO. 1531

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MCGHEE (Sponsor), RUESTMAN, SMITH (150), SCHAAF, GUEST, BROWN (30), GRISAMORE, SCHIEFFER AND BRUNS (Co-sponsors).

Pre-filed January 3, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3418L.02I

AN ACT

To repeal section 250.140, RSMo, and to enact in lieu thereof three new sections relating to utility payments.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 250.140, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 71.515, 250.140, and 393.107, to read as follows:

71.515. No city, town, or village in this state supplying an occupant of a premises utility services shall hold an owner of such premises liable for the delinquent payment of such utilities of the occupant. Such city, town, or village rendering such utility services may sue the occupant that received such services in such premises in a civil suit to recover any sums owed for such services, plus a reasonable attorney's fee to be fixed by the court.

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, RSMo, 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, RSMo, for such services, plus a reasonable attorney's fee to be fixed by the court.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

26 4.] Notwithstanding any other provision of law to the contrary, any water provider who
27 terminates service due to delinquency of payment by a consumer shall not be liable for any civil
28 or criminal damages.

29 [5.]3. The provisions of this section shall not apply to unapplied-for utility services. As
30 used in this subsection, "unapplied-for utility services" means services requiring application by
31 the property owner and acceptance of such application by the utility prior to the establishment
32 of an account. The property owner is billed directly for the services provided, and as a result,
33 any delinquent payment of a bill becomes the responsibility of the property owner rather than the
34 occupant.

**393.107. No utility company in this state supplying an occupant utility services shall
2 hold an owner of such premises liable for delinquent payment of such utilities of the
3 occupant. Such utility rendering such utility service may sue the occupant that received
4 such services in such premises in a civil suit to recover any sums owed for such services,
5 plus a reasonable attorney's fee to be fixed by the court. As used in this section "utility
6 company" shall include any public or private electrical corporation, gas corporation,
7 heating company, water corporation, cable television service, telecommunications service,
8 or any other similar corporation, company, or service in this state.**

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