

FIRST REGULAR SESSION

HOUSE BILL NO. 722

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHNEIDER.

1761L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 250.140, RSMo, and to enact in lieu thereof one new section relating to sewerage and water services.

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

Section A. Section 250.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 250.140, to read as follows:

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

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.

18 occupant is delinquent more than ninety days the owner shall not be liable for sums due for more
19 than ninety days. Any notice of termination of service shall be sent to both the occupant and
20 owner of the premises receiving such service] , **and then only for sums exceeding seventy-five**
21 **dollars that are incurred during the ninety-day period.**

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

35 **6. No city, town, village, sewer district, or water supply district shall terminate**
36 **service to any residence on any Friday, Saturday, or Sunday, unless the occupant or the**
37 **owner of the residence has the ability to reinstate service within twenty-four hours without**
38 **emergency fees being charged.**

39 **7. Whenever a city, town, village, sewer district, or water supply district terminates**
40 **service to a residence not occupied by the owner, the owner shall not be charged a**
41 **reconnection fee, nor shall penalties or interest on the account for that residence be**
42 **charged to the owner for any amounts owed by the occupant, unless and until more than**
43 **thirty days have elapsed after the termination of service to the residence and the owner has**
44 **not paid the amount owed by the owner.**