

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 9
94TH GENERAL ASSEMBLY

Reported from the Committee on Economic Development, Tourism and Local Government, February 1, 2007, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0155S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 250.140, RSMo, and to enact in lieu thereof one new section relating to delinquent water and sewer service bills, with an emergency clause.

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Section A. Section 250.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 250.140, to read as follows: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

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]:

(1) Home rule city with more than four hundred thousand inhabitants

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 and located in more than one county, until January 1, 2007, when an occupant
20 is delinquent more than one hundred twenty days the owner shall not be liable
21 for sums due for more than one hundred twenty days of service, and after
22 January 1, 2007, when an occupant is delinquent more than ninety days the
23 owner shall not be liable for sums due for more than ninety days; **and**

24 **(2) City not within a county when an occupant is delinquent**
25 **more than ninety days the owner shall not be liable for sums due for**
26 **more than ninety days of service, until the effective date of this act, at**
27 **which time, when an occupant is delinquent more than one hundred**
28 **twenty days the owner shall not be liable for sums due for more than**
29 **one hundred twenty days of service.**

30 Any notice of termination of service shall be sent to both the occupant and owner
31 of the premises receiving such service.

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

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

39 5. The provisions of this section shall not apply to unapplied-for utility
40 services. As used in this subsection, "unapplied-for utility services" means
41 services requiring application by the property owner and acceptance of such
42 application by the utility prior to the establishment of an account. The property
43 owner is billed directly for the services provided, and as a result, any delinquent
44 payment of a bill becomes the responsibility of the property owner rather than the
45 occupant.

Section B. Because of the need to efficiently process water and sewer bills,
2 section A of this act is deemed necessary for the immediate preservation of the
3 public health, welfare, peace and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and section A of this act
5 shall be in full force and effect upon its passage and approval.

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