

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 893 Session of  
2005

INTRODUCED BY SEMMEL, PRESTON, HARHART, CALTAGIRONE, DALLY,  
DALEY, ARGALL, ARMSTRONG, BASTIAN, BENNINGHOFF, BOYD,  
CREIGHTON, DENLINGER, GABIG, GODSHALL, GOODMAN, HARPER,  
HARRIS, HERSHEY, HESS, KILLION, McILHINNEY, R. MILLER,  
REICHLEY, SAYLOR, SCAVELLO, B. SMITH, J. TAYLOR, TIGUE, CRUZ  
AND PALLONE, MARCH 14, 2005

SENATOR THOMLINSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, FEBRUARY 13, 2006

AN ACT

1 Amending TITLE 66 (PUBLIC UTILITIES) OF THE PENNSYLVANIA <—  
2 CONSOLIDATED STATUTES, REQUIRING STATE AND LOCAL APPROVAL FOR  
3 TERMINATIONS OR TRANSFERS BY MUNICIPAL AUTHORITIES; AND  
4 CONSOLIDATING the act of April 14, 1949 (P.L.482, No.98),  
5 entitled, as amended, "An act authorizing and requiring  
6 cities, boroughs, townships, municipal authorities and public  
7 utility companies engaged in the supplying of water, to shut  
8 off the supply of water for nonpayment of sewer, sewerage, or  
9 sewage treatment rentals, rates, or charges imposed by  
10 municipal authorities organized by counties of the second  
11 class, by cities of the second class, by cities of the second  
12 class A, by cities of the third class, by boroughs or by  
13 townships of the first or second class; authorizing and  
14 requiring them to supply to such authorities lists of metered  
15 water readings and flat-rate water bills and other data;  
16 authorizing them to act as billing and collecting agents for  
17 such authorities; and conferring certain powers upon the  
18 Pennsylvania Public Utility Commission in connection  
19 therewith," further providing for shutting off water if sewer  
20 charge not paid, for notice and for statement of defense; and <—  
21 requiring certain procedures to be followed in residential  
22 buildings; AND MAKING A RELATED REPEAL. <—

23 The General Assembly of the Commonwealth of Pennsylvania

24 hereby enacts as follows:

25 ~~Section 1. Section 1 of the act of April 14, 1949 (P.L.482,~~ <—

~~No.98), entitled, as amended, "An act authorizing and requiring cities, boroughs, townships, municipal authorities and public utility companies engaged in the supplying of water, to shut off the supply of water for nonpayment of sewer, sewerage, or sewage treatment rentals, rates, or charges imposed by municipal authorities organized by counties of the second class, by cities of the second class, by cities of the second class A, by cities of the third class, by boroughs or by townships of the first or second class; authorizing and requiring them to supply to such authorities lists of metered water readings and flat rate water bills and other data; authorizing them to act as billing and collecting agents for such authorities; and conferring certain powers upon the Pennsylvania Public Utility Commission in connection therewith," reenacted and amended September 7, 1955 (P.L.576, No.574), and amended September 28, 1978 (P.L.827, No.162), is amended to read:~~

~~Section 1. [If] (a) Except as provided for in subsection (c), if the owner or occupant of premises served by any water utility, as hereinafter defined, shall neglect or fail to pay, for a period of thirty (30) days from the due date thereof, any rental, rate or charge for sewer, sewerage, or sewage treatment service imposed by any municipality or municipal authority [organized by any county of the second class, by any city of the second class, by any city of the second class A, by any city of the third class, by any borough or by any township of the first or second class], such water utility is hereby authorized and required, at the request and direction of the municipality or of such authority, or of the city, borough, or township to which the authority shall have assigned its claim or lien for such service, to shut off the supply of water to such premises until~~

~~1 all such overdue rentals, rates and charges, together with any  
2 penalties and interest thereon, shall be paid. If such authority  
3 or such city, borough, or township shall also supply water to  
4 any premises, it is hereby authorized to shut off the supply of  
5 water to such premises, as herein set forth. If the rental rate  
6 or charge for sewer, sewerage or sewage treatment service is  
7 imposed by a municipality as lessee of an authority [organized  
8 as aforesaid] and the said lessee shall also supply water to  
9 such premises, then such municipality is hereby authorized to  
10 shut off the supply of water to such premises as herein set  
11 forth without prior request from said authority or without prior  
12 assignment of its claim or lien for such services. In no case  
13 shall the water supply be shut off to any premises until ten  
14 days after written notice of an intention so to do has been  
15 mailed to the person liable for payment of the rentals and  
16 charges, as well as the owner of the property or property  
17 manager, and in addition thereto, there has been posted a  
18 written notice at a main entrance to the premises. If during  
19 such ten day period, the person liable for the payment of the  
20 rentals and charges delivers to the water utility authority or  
21 municipality supplying water to the premises a written  
22 statement, under oath or affirmation, stating that he has a just  
23 defense to the claim, or part of it, for such rentals or  
24 charges, then the water supply shall not be shut off until claim  
25 has been judicially determined. The statement shall also contain  
26 a declaration under oath or affirmation that it was not executed  
27 for the purpose of delay.~~

~~28 Nothing contained in this section shall authorize any  
29 authority or any privately owned sewer or water company to shut  
30 off or deny water service to any lessee of a property because a~~

~~previous lessee failed to pay either the water or sewer service rate, rental or charge.~~

~~(b) (1) Except as set forth in paragraph (2), when a premises is leased for nonresidential use to a tenant with no history of delinquent or missed payments to any water utility, and water service is not included as part of the lease payment, the water utility providing service to the premises shall not send the usage bill of the tenant to the landlord without the written authorization of the tenant or an authorized representative of the tenant.~~

~~(2) If a tenant is delinquent in payment to the water utility to a degree that warrants termination of service, the water utility shall send notification to the landlord as provided in subsection (a).~~

~~(c) Prior to discontinuing service to tenants in a residential building as defined under the act of November 26, 1978 (P.L.1255, No.299), known as the "Utility Service Tenants Rights Act," the water utility shall comply with all provisions of the "Utility Service Tenants Rights Act."~~

~~Section 2. This act shall take effect immediately.~~

SECTION 1. TITLE 66 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED BY ADDING CHAPTERS TO READ:

#### CHAPTER 16

#### MUNICIPAL AUTHORITY APPROVAL OF ACTIONS

SEC.

1601. DEFINITIONS.

1602. APPROVALS.

1603. APPLICABILITY.

§ 1601. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER

1 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
2 CONTEXT CLEARLY INDICATES OTHERWISE:

3 "AUTHORITY." A BODY POLITIC AND CORPORATE WHICH MEETS ALL OF  
4 THE FOLLOWING:

5 (1) IS ESTABLISHED BY A CITY AND INCORPORATED UNDER ANY  
6 OF THE FOLLOWING:

7 (I) THE FORMER ACT OF JUNE 28, 1935 (P.L.463,  
8 NO.191) ENTITLED, "AN ACT PROVIDING, FOR A LIMITED PERIOD  
9 OF TIME, FOR THE INCORPORATION, AS BODIES CORPORATE AND  
10 POLITIC, OF 'AUTHORITIES' FOR MUNICIPALITIES; DEFINING  
11 THE SAME; PRESCRIBING THE RIGHTS, POWERS, AND DUTIES OF  
12 SUCH AUTHORITIES; AUTHORIZING SUCH AUTHORITIES TO  
13 ACQUIRE, CONSTRUCT, IMPROVE, MAINTAIN, AND OPERATE  
14 PROJECTS, AND TO BORROW MONEY AND ISSUE BONDS THEREFOR;  
15 PROVIDING FOR THE PAYMENT OF SUCH BONDS, AND PRESCRIBING  
16 THE RIGHTS OF THE HOLDERS THEREOF; CONFERRING THE RIGHT  
17 OF EMINENT DOMAIN ON SUCH AUTHORITIES; AUTHORIZING SUCH  
18 AUTHORITIES TO ENTER INTO CONTRACTS WITH AND TO ACCEPT  
19 GRANTS FROM THE FEDERAL GOVERNMENT OR ANY AGENCY THEREOF;  
20 AND FOR OTHER PURPOSES."

21 (II) THE FORMER ACT OF MAY 2, 1945 (P.L.382,  
22 NO.164), KNOWN AS THE MUNICIPALITY AUTHORITIES ACT OF  
23 1945.

24 (III) 53 PA.C.S. CH. 56 (RELATING TO MUNICIPAL  
25 AUTHORITIES).

26 (2) HAS A TOTAL NUMBER OF RESIDENTS WHO UTILIZE WATER OR  
27 SEWER SERVICES, EITHER BY AGREEMENTS WITH A MUNICIPALITY OR  
28 DIRECTLY, AND RESIDE OUTSIDE THE BOUNDARIES OF THE CITY THAT  
29 EXCEEDS THE NUMBER OF RESIDENTS WHO UTILIZE WATER OR SEWER  
30 SERVICES AND RESIDE WITHIN THE BOUNDARIES OF THE CITY.

(3) OWNS ONE OR ALL OF THE FOLLOWING:

(I) A SEWER, SEWER SYSTEM OR PARTS OF A SEWER OR SEWER SYSTEM OR SEWAGE TREATMENT WORKS, INCLUDING WORKS FOR TREATING AND DISPOSING OF INDUSTRIAL WASTE.

(II) A WATERWORKS, WATER SUPPLY WORKS OR WATER DISTRIBUTION SYSTEM.

"CITY." A CITY OF THE THIRD CLASS WHICH HAS ADOPTED A HOME RULE CHARTER AND HAS A POPULATION OF NOT MORE THAN 30,000.

"COMMISSION." THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

"PROJECT." AS DEFINED IN 53 PA.C.S. § 5503 (RELATING TO DEFINITIONS).

§ 1602. APPROVALS.

(A) COMMISSION.--IF A CITY INTENDS TO CONTINUE THE WATER OR SEWER SERVICE PREVIOUSLY PROVIDED BY THE AUTHORITY TO MUNICIPALITIES OUTSIDE THE CITY, THE CITY MUST OBTAIN APPROVAL OF THE COMMISSION PRIOR TO:

(1) TERMINATION OF AN AUTHORITY;

(2) CONVEYANCE OF A PROJECT OF THE AUTHORITY TO THE CITY UNDER 53 PA.C.S. § 5622 (RELATING TO CONVEYANCE BY AUTHORITIES TO MUNICIPALITIES OR SCHOOL DISTRICTS OF ESTABLISHED PROJECTS); OR

(3) TRANSFER OF RESERVES, ASSETS OR FUNDS FROM AN AUTHORITY TO THE CITY.

(B) OTHER MUNICIPALITIES.--

(1) A CITY MUST OBTAIN APPROVAL FROM 75% OF THE MUNICIPALITIES WHICH HAVE SERVICE AGREEMENTS WITH OR WHOSE RESIDENTS PREVIOUSLY RECEIVED SERVICES FROM THE AUTHORITY PRIOR TO:

(I) TERMINATION OF THE AUTHORITY;

(II) CONVEYANCE OF A PROJECT OF THE AUTHORITY UNDER

53 PA.C.S. § 5622; OR

(III) TRANSFER OF RESERVES, ASSETS OR FUNDS FROM THE  
AUTHORITY TO THE CITY.

(2) APPROVAL UNDER PARAGRAPH (1) IS AS FOLLOWS:

(I) THE APPROVAL MUST BE IN THE FORM OF A  
RESOLUTION.

(II) THE RESOLUTION MUST BE ADOPTED AT A PUBLIC  
MEETING BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE  
MEMBERS OF THE GOVERNING BODY OF THE MUNICIPALITY.

(III) THE RESULT OF AN AFFIRMATIVE VOTE UNDER  
SUBPARAGRAPH (II) MUST BE TRANSMITTED TO THE CITY WITHIN  
48 HOURS OF THE VOTE.

§ 1603. APPLICABILITY.

(A) GENERAL RULE.--THIS CHAPTER SHALL APPLY TO ANY ACTION BY  
AN AUTHORITY OR CITY TO TERMINATE, CONVEY OR TRANSFER A WATER OR  
SEWER SYSTEM UNDER 53 PA.C.S. CH. 56 (RELATING TO MUNICIPAL  
AUTHORITIES) WHICH ARE INITIATED AFTER NOVEMBER 1, 2005.

(B) EXCEPTION.--

(1) THIS CHAPTER SHALL NOT APPLY TO THE MERGER OF TWO OR  
MORE AUTHORITIES WHEN THE MERGER, INCLUDING THE CONVEYANCE OF  
ALL PROJECTS, OBLIGATIONS AND RESERVES, HAS BEEN APPROVED BY  
EACH OF THE MEMBER MUNICIPALITIES AND THE MERGING  
AUTHORITIES.

(2) FOR PURPOSES OF THIS SUBSECTION THE TERM "AUTHORITY"  
SHALL HAVE THE SAME MEANING AS PROVIDED IN 53 PA.C.S. § 5602  
(RELATING TO DEFINITIONS).

## CHAPTER 18

### WATER UTILITIES

SEC.

1801. DEFINITIONS.

1 1802. TERMINATION OF SERVICE.

2 1803. SUBMISSION OF WATER METER READINGS AND FLAT-RATE WATER  
3 BILLS.

4 1804. BILLING AND COLLECTING AGENT.

5 1805. PAYMENT FOR BILLING AND COLLECTING SERVICES.

6 1806. SEVERABILITY.

7 1807. INCONSISTENT REPEALS.

8 § 1801. DEFINITIONS.

9 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
10 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
11 CONTEXT CLEARLY INDICATES OTHERWISE:

12 "WATER UTILITY." THE TERM INCLUDES A CITY, BOROUGH,  
13 TOWNSHIP, MUNICIPAL AUTHORITY AND PUBLIC UTILITY ENGAGED IN  
14 SUPPLYING WATER OR WATER SERVICE.

15 § 1802. TERMINATION OF SERVICE.

16 (A) GENERAL RULE.--

17 (1) EXCEPT AS PROVIDED IN SUBSECTION (E), IF THE OWNER  
18 OR OCCUPANT OF PREMISES SERVED BY A WATER UTILITY NEGLECTS OR  
19 FAILS TO PAY, FOR A PERIOD OF 30 DAYS FROM THE DUE DATE, A  
20 RENTAL, RATE OR CHARGE FOR SEWER, SEWERAGE OR SEWAGE  
21 TREATMENT SERVICE IMPOSED BY A MUNICIPALITY OR MUNICIPAL  
22 AUTHORITY, THE WATER UTILITY IS AUTHORIZED AND REQUIRED, AT  
23 THE REQUEST AND DIRECTION OF THE MUNICIPALITY, THE AUTHORITY  
24 OR A CITY, BOROUGH OR TOWNSHIP TO WHICH THE AUTHORITY HAS  
25 ASSIGNED ITS CLAIM OR LIEN, TO SHUT OFF THE SUPPLY OF WATER  
26 TO THE PREMISES UNTIL ALL OVERDUE RENTALS, RATES, CHARGES AND  
27 ASSOCIATED PENALTIES AND INTEREST ARE PAID.

28 (2) IF THE AUTHORITY, CITY, BOROUGH OR TOWNSHIP ALSO  
29 SUPPLIES WATER TO PREMISES, THE AUTHORITY, CITY, BOROUGH OR  
30 TOWNSHIP IS AUTHORIZED TO SHUT OFF THE SUPPLY OF WATER TO THE



1 PREMISES.

2 (3) IF THE RENTAL RATE OR CHARGE FOR SEWER, SEWERAGE OR  
3 SEWAGE TREATMENT SERVICE IS IMPOSED BY A MUNICIPALITY AS  
4 LESSEE OF AN AUTHORITY AND THE LESSEE ALSO SUPPLIES WATER TO  
5 THE PREMISES, THE MUNICIPALITY IS AUTHORIZED TO SHUT OFF THE  
6 SUPPLY OF WATER TO THE PREMISES WITHOUT PRIOR REQUEST FROM  
7 THE AUTHORITY OR WITHOUT PRIOR ASSIGNMENT OF ITS CLAIM OR  
8 LIEN FOR THE SERVICE.

9 (B) WRITTEN NOTICE.--IN NO CASE SHALL THE WATER SUPPLY TO  
10 PREMISES BE SHUT OFF UNTIL TEN DAYS AFTER A WRITTEN NOTICE OF  
11 INTENTION TO DO SO HAS BEEN POSTED AT A MAIN ENTRANCE AND MAILED  
12 TO THE PERSON LIABLE FOR PAYMENT OF THE RENTALS AND CHARGES AND  
13 THE OWNER OF THE PROPERTY OR PROPERTY MANAGER. IF DURING THE  
14 TEN-DAY PERIOD THE PERSON LIABLE FOR PAYMENT OF THE RENTALS AND  
15 CHARGES DELIVERS TO THE WATER UTILITY AUTHORITY OR MUNICIPALITY  
16 SUPPLYING WATER TO THE PREMISES A WRITTEN STATEMENT UNDER OATH  
17 OR AFFIRMATION AVERRING THAT THERE IS A JUST DEFENSE TO ALL OR  
18 PART OF THE CLAIM AND THAT THE STATEMENT WAS NOT EXECUTED FOR  
19 THE PURPOSE OF DELAY, THE WATER SUPPLY SHALL NOT BE SHUT OFF  
20 UNTIL THE CLAIM HAS BEEN JUDICIALLY DETERMINED.

21 (C) FAILURE OF PREVIOUS LESSEE TO PAY BILL.--NOTHING IN THIS  
22 SECTION SHALL BE CONSTRUED TO AUTHORIZE AN AUTHORITY OR  
23 PRIVATELY OWNED SEWER OR WATER COMPANY TO SHUT OFF OR DENY WATER  
24 SERVICE TO A LESSEE FOR FAILURE OF A PREVIOUS LESSEE TO PAY A  
25 WATER OR SEWER SERVICE RATE, RENTAL OR CHARGE.

26 (D) TENANTS.--

27 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), IF PREMISES  
28 ARE LEASED FOR NONRESIDENTIAL USE TO A TENANT WITH NO HISTORY  
29 OF DELINQUENT OR MISSED PAYMENTS TO A WATER UTILITY, AND  
30 WATER SERVICE IS NOT INCLUDED AS PART OF THE LEASE PAYMENT,

1 THE WATER UTILITY PROVIDING SERVICE TO THE PREMISES MAY NOT  
2 SEND THE USAGE BILL OF THE TENANT TO THE LANDLORD WITHOUT THE  
3 WRITTEN AUTHORIZATION OF THE TENANT OR AN AUTHORIZED  
4 REPRESENTATIVE OF THE TENANT.

5 (2) IF A TENANT IS DELINQUENT IN PAYMENT TO A WATER  
6 UTILITY TO A DEGREE THAT WARRANTS TERMINATION OF SERVICE, THE  
7 WATER UTILITY SHALL SEND NOTIFICATION TO THE LANDLORD AS  
8 PROVIDED IN SUBSECTION (A).

9 (E) RESIDENTIAL BUILDINGS.--PRIOR TO DISCONTINUING SERVICE  
10 TO A TENANT IN A RESIDENTIAL BUILDING AS DEFINED UNDER THE ACT  
11 OF NOVEMBER 26, 1978 (P.L.1255, NO.299), KNOWN AS THE UTILITY  
12 SERVICE TENANTS RIGHTS ACT, A WATER UTILITY SHALL COMPLY WITH  
13 ALL OF THE PROVISIONS OF THAT ACT.

14 § 1803. SUBMISSION OF WATER METER READINGS AND FLAT-RATE WATER  
15 BILLS.

16 A WATER UTILITY IS AUTHORIZED AND REQUIRED, AT THE REQUEST OF  
17 AN AUTHORITY, TO SUPPLY TO THE AUTHORITY, ON OR BEFORE THE 15TH  
18 DAY OF THE MONTH FOLLOWING THE MONTH DURING WHICH WATER BILLS  
19 ARE ISSUED, A LIST OF ALL WATER METER READINGS AND FLAT-RATE  
20 WATER BILLS ISSUED DURING THE PRECEDING CALENDAR MONTH AND THE  
21 BASIS OF EACH FLAT-RATE CUSTOMER'S WATER CHARGE FOR USE BY THE  
22 AUTHORITY IN CALCULATING OR COMPUTING ITS RENTALS, RATES OR  
23 CHARGES FOR FURNISHING SEWER, SEWERAGE OR SEWAGE TREATMENT  
24 SERVICE TO THE WATER CUSTOMERS.

25 § 1804. BILLING AND COLLECTING AGENT.

26 (A) GENERAL RULE.--A WATER UTILITY IS AUTHORIZED TO ACT AS  
27 BILLING AND COLLECTING AGENTS OF A MUNICIPAL AUTHORITY WHICH  
28 IMPOSES RENTALS, RATES OR CHARGES FOR USE OF A SEWER, SEWERAGE  
29 SYSTEM OR SEWAGE TREATMENT WORKS UPON OWNERS OR OCCUPANTS OF  
30 PREMISES SERVED BY THE WATER UTILITY. UPON REQUEST OF AN

1 AUTHORITY, THE WATER UTILITY MAY INCLUDE WITH ITS OWN BILLS FOR  
2 WATER OR WATER SERVICE THE RENTALS, RATES AND CHARGES FOR SEWER,  
3 SEWERAGE AND SEWAGE TREATMENT SERVICE. IF THE WATER UTILITY  
4 AGREES TO DO SO, THE ADDED RENTALS, RATES AND CHARGES SHALL BE  
5 SET FORTH SEPARATELY FROM THE CHARGES FOR WATER OR WATER  
6 SERVICE, BUT BOTH SHALL BE PAYABLE TO AND COLLECTED BY THE WATER  
7 UTILITY AND PAYMENT OF EITHER MAY BE REFUSED UNLESS BOTH ARE  
8 PAID.

9 (B) ACCOUNTING.--THE WATER UTILITY SHALL, AT LEAST ONCE EACH  
10 CALENDAR QUARTER, ACCOUNT FOR AND TURN OVER THE MONEYS IT HAS  
11 COLLECTED TO THE AUTHORITY IMPOSING THE RENTALS, RATES AND  
12 CHARGES.

13 § 1805. PAYMENT FOR BILLING AND COLLECTING SERVICES.

14 (A) GENERAL RULE.--AN AUTHORITY IMPOSING SEWER, SEWERAGE OR  
15 SEWAGE TREATMENT RENTALS, RATES OR CHARGES SHALL PAY TO A WATER  
16 UTILITY THE REASONABLE ADDITIONAL CLERICAL AND OTHER EXPENSES  
17 INCURRED IN PROVIDING BILLING AND COLLECTING SERVICES.

18 (B) SHUT-OFF SERVICE.--AN AUTHORITY, CITY, BOROUGH OR  
19 TOWNSHIP REQUESTING AND DIRECTING THE SHUT-OFF OF WATER SHALL  
20 ALSO PAY TO THE WATER UTILITY THE COST OF THE SHUT-OFF SERVICE  
21 AND THE ESTIMATED LOSS OF WATER REVENUES RESULTING FROM SUCH  
22 SHUT-OFF.

23 (C) LONG-TERM AGREEMENTS.--A WATER UTILITY MAY ENTER INTO A  
24 LONG-TERM AGREEMENT WITH AN AUTHORITY FOR PERFORMING BILLING AND  
25 COLLECTING SERVICES AND WITH AN AUTHORITY, CITY, BOROUGH OR  
26 TOWNSHIP FOR SHUT-OFF SERVICES. THE AGREEMENT SHALL BE BINDING  
27 ON THE UTILITY, ITS SUCCESSORS AND ASSIGNS.

28 (D) DISPUTES.--IF A DISPUTE ARISES BETWEEN THE UTILITY AND  
29 AN AUTHORITY, CITY, BOROUGH OR TOWNSHIP AS TO THE COST OF SUCH  
30 SERVICES, THE AMOUNT OF REVENUES LOST OR THE PROVISIONS OF AN

1 AGREEMENT UNDER THIS SUBSECTION, THE DISPUTE MAY BE SUBMITTED BY  
2 EITHER PARTY TO THE COMMISSION, WHOSE DECISION, UNLESS REVERSED  
3 ON APPEAL, SHALL BE FINAL. THIS SUBSECTION SHALL NOT BE  
4 CONSTRUED TO GRANT TO THE COMMISSION ANY OTHER REGULATORY POWER  
5 OR JURISDICTION OVER COUNTIES, CITIES, BOROUGH, TOWNSHIPS OR  
6 AUTHORITIES.

7 § 1806. SEVERABILITY.

8 THE PROVISIONS OF THIS CHAPTER ARE SEVERABLE. IF ANY  
9 PROVISION IS HELD TO BE UNCONSTITUTIONAL, THE DECISION SHALL NOT  
10 AFFECT THE VALIDITY OF THE REMAINING PROVISIONS, AND IT IS  
11 DECLARED AS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS CHAPTER  
12 WOULD HAVE BEEN ADOPTED HAD THE UNCONSTITUTIONAL PROVISION NOT  
13 BEEN INCLUDED.

14 § 1807. INCONSISTENT REPEALS.

15 ALL ACTS AND PARTS OF ACTS ARE REPEALED TO THE EXTENT THAT  
16 THEY ARE INCONSISTENT WITH THE PROVISIONS OF THIS CHAPTER.

17 SECTION 2. REPEALS ARE AS FOLLOWS:

18 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER  
19 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF 66  
20 PA.C.S. CH. 18.

21 (2) THE ACT OF APRIL 14, 1949 (P.L.482, NO.98),  
22 ENTITLED, AS AMENDED, "AN ACT AUTHORIZING AND REQUIRING  
23 CITIES, BOROUGH, TOWNSHIPS, MUNICIPAL AUTHORITIES AND PUBLIC  
24 UTILITY COMPANIES ENGAGED IN THE SUPPLYING OF WATER, TO SHUT  
25 OFF THE SUPPLY OF WATER FOR NONPAYMENT OF SEWER, SEWERAGE, OR  
26 SEWAGE TREATMENT RENTALS, RATES, OR CHARGES IMPOSED BY  
27 MUNICIPAL AUTHORITIES ORGANIZED BY COUNTIES OF THE SECOND  
28 CLASS, BY CITIES OF THE SECOND CLASS, BY CITIES OF THE SECOND  
29 CLASS A, BY CITIES OF THE THIRD CLASS, BY BOROUGH OR BY  
30 TOWNSHIPS OF THE FIRST OR SECOND CLASS; AUTHORIZING AND

1       REQUIRING THEM TO SUPPLY TO SUCH AUTHORITIES LISTS OF METERED  
2       WATER READINGS AND FLAT-RATE WATER BILLS AND OTHER DATA;  
3       AUTHORIZING THEM TO ACT AS BILLING AND COLLECTING AGENTS FOR  
4       SUCH AUTHORITIES; AND CONFERRING CERTAIN POWERS UPON THE  
5       PENNSYLVANIA PUBLIC UTILITY COMMISSION IN CONNECTION  
6       THEREWITH," IS REPEALED.

7       SECTION 3. THE ADDITION OF 66 PA.C.S. CH. 18 IS A  
8       CONTINUATION OF THE ACT OF APRIL 14, 1949 (P.L.482, NO.98),  
9       ENTITLED, AS AMENDED, "AN ACT AUTHORIZING AND REQUIRING CITIES,  
10      BOROUGH, TOWNSHIPS, MUNICIPAL AUTHORITIES AND PUBLIC UTILITY  
11      COMPANIES ENGAGED IN THE SUPPLYING OF WATER, TO SHUT OFF THE  
12      SUPPLY OF WATER FOR NONPAYMENT OF SEWER, SEWERAGE, OR SEWAGE  
13      TREATMENT RENTALS, RATES, OR CHARGES IMPOSED BY MUNICIPAL  
14      AUTHORITIES ORGANIZED BY COUNTIES OF THE SECOND CLASS, BY CITIES  
15      OF THE SECOND CLASS, BY CITIES OF THE SECOND CLASS A, BY CITIES  
16      OF THE THIRD CLASS, BY BOROUGH OR BY TOWNSHIPS OF THE FIRST OR  
17      SECOND CLASS; AUTHORIZING AND REQUIRING THEM TO SUPPLY TO SUCH  
18      AUTHORITIES LISTS OF METERED WATER READINGS AND FLAT-RATE WATER  
19      BILLS AND OTHER DATA; AUTHORIZING THEM TO ACT AS BILLING AND  
20      COLLECTING AGENTS FOR SUCH AUTHORITIES; AND CONFERRING CERTAIN  
21      POWERS UPON THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IN  
22      CONNECTION THEREWITH," AND REFERRED TO IN THIS SECTION AS ACT  
23      1949-98. THE FOLLOWING APPLY:

24           (1) EXCEPT AS OTHERWISE PROVIDED IN 66 PA.C.S. CH. 18,  
25      ALL ACTIVITIES INITIATED UNDER ACT 1949-98 SHALL CONTINUE AND  
26      REMAIN IN FULL FORCE AND EFFECT AND MAY BE COMPLETED UNDER 66  
27      PA.C.S. CH. 18. ORDERS, REGULATIONS, RULES AND DECISIONS  
28      WHICH WERE MADE UNDER ACT 1949-98 AND WHICH ARE IN EFFECT ON  
29      THE EFFECTIVE DATE OF SECTION 2 OF THIS ACT SHALL REMAIN IN  
30      FULL FORCE AND EFFECT UNTIL REVOKED, VACATED OR MODIFIED

1 UNDER 66 PA.C.S. CH. 18.

2 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), ANY DIFFERENCE  
3 IN LANGUAGE BETWEEN 66 PA.C.S. CH. 18 AND ACT 1949-98 IS  
4 INTENDED ONLY TO CONFORM TO THE STYLE OF THE PENNSYLVANIA  
5 CONSOLIDATED STATUTES AND IS NOT INTENDED TO CHANGE OR AFFECT  
6 THE LEGISLATIVE INTENT, JUDICIAL CONSTRUCTION OR  
7 ADMINISTRATION AND IMPLEMENTATION OF ACT 1949-98.

8 (3) PARAGRAPH (2) DOES NOT APPLY TO THE ADDITION OF 66  
9 PA.C.S. § 1802.

10 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.