

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 WENGER, APPROPRIATIONS, IN SENATE, RE-REPORTED  
AS AMENDED, MARCH 14, 2006

AN ACT

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

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20 The General Assembly of the Commonwealth of Pennsylvania  
21 hereby enacts as follows:

22 ~~Section 1. Section 1 of the act of April 14, 1949 (P.L.482, <—~~  
23 ~~No.98), entitled, as amended, "An act authorizing and requiring~~  
24 ~~cities, boroughs, townships, municipal authorities and public~~  
25 ~~utility companies engaged in the supplying of water, to shut off~~  
26 ~~the supply of water for nonpayment of sewer, sewerage, or sewage~~  
27 ~~treatment rentals, rates, or charges imposed by municipal~~  
28 ~~authorities organized by counties of the second class, by cities~~  
29 ~~of the second class, by cities of the second class A, by cities~~  
30 ~~of the third class, by boroughs or by townships of the first or~~

1 ~~second class; authorizing and requiring them to supply to such~~  
2 ~~authorities lists of metered water readings and flat rate water~~  
3 ~~bills and other data; authorizing them to act as billing and~~  
4 ~~collecting agents for such authorities; and conferring certain~~  
5 ~~powers upon the Pennsylvania Public Utility Commission in~~  
6 ~~connection therewith," reenacted and amended September 7, 1955~~  
7 ~~(P.L.576, No.574), and amended September 28, 1978 (P.L.827,~~  
8 ~~No.162), is amended to read:~~

9       Section 1. ~~[If] (a) Except as provided for in subsection~~  
10 ~~(c), if the owner or occupant of premises served by any water~~  
11 ~~utility, as hereinafter defined, shall neglect or fail to pay,~~  
12 ~~for a period of thirty (30) days from the due date thereof, any~~  
13 ~~rental, rate or charge for sewer, sewerage, or sewage treatment~~  
14 ~~service imposed by any municipality or municipal authority~~  
15 ~~[organized by any county of the second class, by any city of the~~  
16 ~~second class, by any city of the second class A, by any city of~~  
17 ~~the third class, by any borough or by any township of the first~~  
18 ~~or second class], such water utility is hereby authorized and~~  
19 ~~required, at the request and direction of the municipality or of~~  
20 ~~such authority, or of the city, borough, or township to which~~  
21 ~~the authority shall have assigned its claim or lien for such~~  
22 ~~service, to shut off the supply of water to such premises until~~  
23 ~~all such overdue rentals, rates and charges, together with any~~  
24 ~~penalties and interest thereon, shall be paid. If such authority~~  
25 ~~or such city, borough, or township shall also supply water to~~  
26 ~~any premises, it is hereby authorized to shut off the supply of~~  
27 ~~water to such premises, as herein set forth. If the rental rate~~  
28 ~~or charge for sewer, sewerage or sewage treatment service is~~  
29 ~~imposed by a municipality as lessee of an authority [organized~~  
30 ~~as aforesaid] and the said lessee shall also supply water to~~

1 such premises, then such municipality is hereby authorized to  
2 shut off the supply of water to such premises as herein set  
3 forth without prior request from said authority or without prior  
4 assignment of its claim or lien for such services. In no case  
5 shall the water supply be shut off to any premises until ten  
6 days after written notice of an intention so to do has been  
7 mailed to the person liable for payment of the rentals and  
8 charges, as well as the owner of the property or property  
9 manager, and in addition thereto, there has been posted a  
10 written notice at a main entrance to the premises. If during  
11 such ten day period, the person liable for the payment of the  
12 rentals and charges delivers to the water utility authority or  
13 municipality supplying water to the premises a written  
14 statement, under oath or affirmation, stating that he has a just  
15 defense to the claim, or part of it, for such rentals or  
16 charges, then the water supply shall not be shut off until claim  
17 has been judicially determined. The statement shall also contain  
18 a declaration under oath or affirmation that it was not executed  
19 for the purpose of delay.

20 Nothing contained in this section shall authorize any  
21 authority or any privately owned sewer or water company to shut  
22 off or deny water service to any lessee of a property because a  
23 previous lessee failed to pay either the water or sewer service  
24 rate, rental or charge.

25 (b) (1) Except as set forth in paragraph (2), when a  
26 premises is leased for nonresidential use to a tenant with no  
27 history of delinquent or missed payments to any water utility,  
28 and water service is not included as part of the lease payment,  
29 the water utility providing service to the premises shall not  
30 send the usage bill of the tenant to the landlord without the

1 ~~written authorization of the tenant or an authorized~~  
2 ~~representative of the tenant.~~

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

7 ~~(c) Prior to discontinuing service to tenants in a~~  
8 ~~residential building as defined under the act of November 26,~~  
9 ~~1978 (P.L.1255, No.299), known as the "Utility Service Tenants~~  
10 ~~Rights Act," the water utility shall comply with all provisions~~  
11 ~~of the "Utility Service Tenants Rights Act."~~

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

13 SECTION 1. ~~TITLE 66 OF THE PENNSYLVANIA CONSOLIDATED~~ <—  
14 ~~STATUTES IS AMENDED BY ADDING CHAPTERS TO READ:~~

15 CHAPTER 16

16 MUNICIPAL AUTHORITY APPROVAL OF ACTIONS

17 SEC.

18 1601. ~~DEFINITIONS.~~

19 1602. ~~APPROVALS.~~

20 1603. ~~APPLICABILITY.~~

21 § 1601. ~~DEFINITIONS.~~

22 ~~THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER~~  
23 ~~SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE~~  
24 ~~CONTEXT CLEARLY INDICATES OTHERWISE:~~

25 ~~"AUTHORITY." A BODY POLITIC AND CORPORATE WHICH MEETS ALL OF~~  
26 ~~THE FOLLOWING:~~

27 ~~(1) IS ESTABLISHED BY A CITY AND INCORPORATED UNDER ANY~~  
28 ~~OF THE FOLLOWING:~~

29 ~~(I) THE FORMER ACT OF JUNE 28, 1935 (P.L.463,~~  
30 ~~NO.191) ENTITLED, "AN ACT PROVIDING, FOR A LIMITED PERIOD~~

1 OF TIME, FOR THE INCORPORATION, AS BODIES CORPORATE AND  
2 POLITICAL, OF 'AUTHORITIES' FOR MUNICIPALITIES; DEFINING  
3 THE SAME; PRESCRIBING THE RIGHTS, POWERS, AND DUTIES OF  
4 SUCH AUTHORITIES; AUTHORIZING SUCH AUTHORITIES TO  
5 ACQUIRE, CONSTRUCT, IMPROVE, MAINTAIN, AND OPERATE  
6 PROJECTS, AND TO BORROW MONEY AND ISSUE BONDS THEREFOR;  
7 PROVIDING FOR THE PAYMENT OF SUCH BONDS, AND PRESCRIBING  
8 THE RIGHTS OF THE HOLDERS THEREOF; CONFERRING THE RIGHT  
9 OF EMINENT DOMAIN ON SUCH AUTHORITIES; AUTHORIZING SUCH  
10 AUTHORITIES TO ENTER INTO CONTRACTS WITH AND TO ACCEPT  
11 GRANTS FROM THE FEDERAL GOVERNMENT OR ANY AGENCY THEREOF;  
12 AND FOR OTHER PURPOSES."

13 (II) THE FORMER ACT OF MAY 2, 1945 (P.L. 382,  
14 NO. 164), KNOWN AS THE MUNICIPALITY AUTHORITIES ACT OF  
15 1945.

16 (III) 53 PA.C.S. CH. 56 (RELATING TO MUNICIPAL  
17 AUTHORITIES).

18 (2) HAS A TOTAL NUMBER OF RESIDENTS WHO UTILIZE WATER OR <—  
19 SEWER SERVICES, EITHER BY AGREEMENTS WITH A MUNICIPALITY OR  
20 DIRECTLY, AND RESIDE OUTSIDE THE BOUNDARIES OF THE CITY THAT  
21 EXCEEDS THE NUMBER OF RESIDENTS WHO UTILIZE WATER OR SEWER  
22 SERVICES AND

23 (2) PROVIDES WATER AND SEWER SERVICES, EITHER BY <—  
24 AGREEMENTS WITH A MUNICIPALITY OR DIRECTLY, TO A MUNICIPALITY  
25 WHICH HAS A TOTAL NUMBER OF RESIDENTS OUTSIDE THE BOUNDARIES  
26 OF THE MUNICIPALITY THAT EXCEEDS BY AT LEAST 50% THE NUMBER  
27 OF RESIDENTS WHO RESIDE WITHIN THE BOUNDARIES OF THE CITY.

28 (3) OWNS ONE OR ALL OF THE FOLLOWING: <—

29 (I) A SEWER, SEWER SYSTEM OR PARTS OF A SEWER OR <—  
30 SEWER SYSTEM OR SEWAGE TREATMENT WORKS, INCLUDING WORKS <—

1           ~~FOR TREATING AND DISPOSING OF INDUSTRIAL WASTE.; AND~~           <—

2                   ~~(II) A A WATERWORKS, WATER SUPPLY WORKS OR WATER~~           <—

3           ~~DISTRIBUTION SYSTEM.~~

4           ~~"CITY." A CITY OF THE THIRD CLASS WHICH HAS ADOPTED A HOME~~

5 ~~RULE CHARTER AND HAS A POPULATION OF NOT MORE THAN 30,000.~~

6           ~~"COMMISSION." THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.~~

7           ~~"PROJECT." AS DEFINED IN 53 PA.C.S. § 5503 (RELATING TO~~

8 ~~DEFINITIONS).~~

9           ~~§ 1602. APPROVALS.~~

10           ~~(A) COMMISSION. IF A CITY INTENDS TO CONTINUE THE WATER OR~~           <—

11 ~~AND SEWER SERVICE PREVIOUSLY PROVIDED BY THE AUTHORITY TO~~           <—

12 ~~MUNICIPALITIES OUTSIDE THE CITY, THE CITY MUST OBTAIN APPROVAL~~

13 ~~OF THE COMMISSION PRIOR TO:~~

14                   ~~(1) TERMINATION OF AN AUTHORITY;~~

15                   ~~(2) CONVEYANCE OF A PROJECT OF THE AUTHORITY TO THE CITY~~

16 ~~UNDER 53 PA.C.S. § 5622 (RELATING TO CONVEYANCE BY~~

17 ~~AUTHORITIES TO MUNICIPALITIES OR SCHOOL DISTRICTS OF~~

18 ~~ESTABLISHED PROJECTS); OR~~

19                   ~~(3) TRANSFER OF RESERVES, ASSETS OR FUNDS FROM AN~~

20 ~~AUTHORITY TO THE CITY.~~

21           ~~(B) OTHER MUNICIPALITIES.~~

22                   ~~(1) A CITY MUST OBTAIN APPROVAL FROM 75% OF THE~~

23 ~~MUNICIPALITIES WHICH HAVE SERVICE AGREEMENTS WITH OR WHOSE~~

24 ~~RESIDENTS PREVIOUSLY RECEIVED WATER AND SEWER SERVICES FROM~~           <—

25 ~~THE AUTHORITY PRIOR TO:~~

26                   ~~(I) TERMINATION OF THE AUTHORITY;~~

27                   ~~(II) CONVEYANCE OF A PROJECT OF THE AUTHORITY UNDER~~

28 ~~53 PA.C.S. § 5622; OR~~

29                   ~~(III) TRANSFER OF RESERVES, ASSETS OR FUNDS FROM THE~~

30 ~~AUTHORITY TO THE CITY.~~



1 ~~1804. BILLING AND COLLECTING AGENT.~~

2 ~~1805. PAYMENT FOR BILLING AND COLLECTING SERVICES.~~

3 ~~1806. SEVERABILITY.~~

4 ~~1807. INCONSISTENT REPEALS.~~

5 ~~§ 1801. DEFINITIONS.~~

6 ~~THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER~~  
7 ~~SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE~~  
8 ~~CONTEXT CLEARLY INDICATES OTHERWISE:~~

9 ~~"WATER UTILITY." THE TERM INCLUDES A CITY, BOROUGH,~~  
10 ~~TOWNSHIP, MUNICIPAL AUTHORITY AND PUBLIC UTILITY ENGAGED IN~~  
11 ~~SUPPLYING WATER OR WATER SERVICE.~~

12 ~~§ 1802. TERMINATION OF SERVICE.~~

13 ~~(A) GENERAL RULE.~~

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

25 ~~(2) IF THE AUTHORITY, CITY, BOROUGH OR TOWNSHIP ALSO~~  
26 ~~SUPPLIES WATER TO PREMISES, THE AUTHORITY, CITY, BOROUGH OR~~  
27 ~~TOWNSHIP IS AUTHORIZED TO SHUT OFF THE SUPPLY OF WATER TO THE~~  
28 ~~PREMISES.~~

29 ~~(3) IF THE RENTAL RATE OR CHARGE FOR SEWER, SEWERAGE OR~~  
30 ~~SEWAGE TREATMENT SERVICE IS IMPOSED BY A MUNICIPALITY AS~~

1       ~~LESSEE OF AN AUTHORITY AND THE LESSEE ALSO SUPPLIES WATER TO~~  
2       ~~THE PREMISES, THE MUNICIPALITY IS AUTHORIZED TO SHUT OFF THE~~  
3       ~~SUPPLY OF WATER TO THE PREMISES WITHOUT PRIOR REQUEST FROM~~  
4       ~~THE AUTHORITY OR WITHOUT PRIOR ASSIGNMENT OF ITS CLAIM OR~~  
5       ~~LIEN FOR THE SERVICE.~~

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

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

23      ~~(D) TENANTS. —~~

24           ~~(1) EXCEPT AS SET FORTH IN PARAGRAPH (2), IF PREMISES~~  
25      ~~ARE LEASED FOR NONRESIDENTIAL USE TO A TENANT WITH NO HISTORY~~  
26      ~~OF DELINQUENT OR MISSED PAYMENTS TO A WATER UTILITY, AND~~  
27      ~~WATER SERVICE IS NOT INCLUDED AS PART OF THE LEASE PAYMENT,~~  
28      ~~THE WATER UTILITY PROVIDING SERVICE TO THE PREMISES MAY NOT~~  
29      ~~SEND THE USAGE BILL OF THE TENANT TO THE LANDLORD WITHOUT THE~~  
30      ~~WRITTEN AUTHORIZATION OF THE TENANT OR AN AUTHORIZED~~

1       ~~REPRESENTATIVE OF THE TENANT.~~

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

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

11       ~~§ 1803. SUBMISSION OF WATER METER READINGS AND FLAT RATE WATER~~  
12           ~~BILLS.~~

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

22       ~~§ 1804. BILLING AND COLLECTING AGENT.~~

23       ~~(A) GENERAL RULE. A WATER UTILITY IS AUTHORIZED TO ACT AS~~  
24       ~~BILLING AND COLLECTING AGENTS OF A MUNICIPAL AUTHORITY WHICH~~  
25       ~~IMPOSES RENTALS, RATES OR CHARGES FOR USE OF A SEWER, SEWERAGE~~  
26       ~~SYSTEM OR SEWAGE TREATMENT WORKS UPON OWNERS OR OCCUPANTS OF~~  
27       ~~PREMISES SERVED BY THE WATER UTILITY. UPON REQUEST OF AN~~  
28       ~~AUTHORITY, THE WATER UTILITY MAY INCLUDE WITH ITS OWN BILLS FOR~~  
29       ~~WATER OR WATER SERVICE THE RENTALS, RATES AND CHARGES FOR SEWER,~~  
30       ~~SEWERAGE AND SEWAGE TREATMENT SERVICE. IF THE WATER UTILITY~~

1 ~~AGREES TO DO SO, THE ADDED RENTALS, RATES AND CHARGES SHALL BE~~  
2 ~~SET FORTH SEPARATELY FROM THE CHARGES FOR WATER OR WATER~~  
3 ~~SERVICE, BUT BOTH SHALL BE PAYABLE TO AND COLLECTED BY THE WATER~~  
4 ~~UTILITY AND PAYMENT OF EITHER MAY BE REFUSED UNLESS BOTH ARE~~  
5 ~~PAID.~~

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

10 ~~§ 1805. PAYMENT FOR BILLING AND COLLECTING SERVICES.~~

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

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

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

25 ~~(D) DISPUTES. IF A DISPUTE ARISES BETWEEN THE UTILITY AND~~  
26 ~~AN AUTHORITY, CITY, BOROUGH OR TOWNSHIP AS TO THE COST OF SUCH~~  
27 ~~SERVICES, THE AMOUNT OF REVENUES LOST OR THE PROVISIONS OF AN~~  
28 ~~AGREEMENT UNDER THIS SUBSECTION, THE DISPUTE MAY BE SUBMITTED BY~~  
29 ~~EITHER PARTY TO THE COMMISSION, WHOSE DECISION, UNLESS REVERSED~~  
30 ~~ON APPEAL, SHALL BE FINAL. THIS SUBSECTION SHALL NOT BE~~

1 ~~CONSTRUED TO GRANT TO THE COMMISSION ANY OTHER REGULATORY POWER~~  
2 ~~OR JURISDICTION OVER COUNTIES, CITIES, BOROUGH, TOWNSHIPS OR~~  
3 ~~AUTHORITIES.~~

4 ~~§ 1806. SEVERABILITY.~~

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

11 ~~§ 1807. INCONSISTENT REPEALS.~~

12 ~~ALL ACTS AND PARTS OF ACTS ARE REPEALED TO THE EXTENT THAT~~  
13 ~~THEY ARE INCONSISTENT WITH THE PROVISIONS OF THIS CHAPTER.~~

14 ~~SECTION 2. REPEALS ARE AS FOLLOWS:~~

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

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

1       ~~SUCH AUTHORITIES; AND CONFERRING CERTAIN POWERS UPON THE~~  
2       ~~PENNSYLVANIA PUBLIC UTILITY COMMISSION IN CONNECTION~~  
3       ~~THEREWITH," IS REPEALED.~~

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

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

29           ~~(2) EXCEPT AS SET FORTH IN PARAGRAPH (3), ANY DIFFERENCE~~  
30           ~~IN LANGUAGE BETWEEN 66 PA.C.S. CH. 18 AND ACT 1949 98 IS~~

1 ~~INTENDED ONLY TO CONFORM TO THE STYLE OF THE PENNSYLVANIA~~  
2 ~~CONSOLIDATED STATUTES AND IS NOT INTENDED TO CHANGE OR AFFECT~~  
3 ~~THE LEGISLATIVE INTENT, JUDICIAL CONSTRUCTION OR~~  
4 ~~ADMINISTRATION AND IMPLEMENTATION OF ACT 1949-98.~~

5 ~~(3) PARAGRAPH (2) DOES NOT APPLY TO THE ADDITION OF 66~~  
6 ~~PA.C.S. § 1802.~~

7 ~~SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.~~

8 CHAPTER 1

9 PRELIMINARY PROVISIONS

10 SECTION 101. SHORT TITLE.

11 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE WATER  
12 SERVICES ACT.

13 SECTION 102. DEFINITIONS.

14 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
15 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
16 CONTEXT CLEARLY INDICATES OTHERWISE:

17 "ACT 1949-98." THE ACT OF APRIL 14, 1949 (P.L.482, NO.98),  
18 ENTITLED, AS AMENDED, "AN ACT AUTHORIZING AND REQUIRING CITIES,  
19 BOROUGHs, TOWNSHIPS, MUNICIPAL AUTHORITIES AND PUBLIC UTILITY  
20 COMPANIES ENGAGED IN THE SUPPLYING OF WATER, TO SHUT OFF THE  
21 SUPPLY OF WATER FOR NONPAYMENT OF SEWER, SEWERAGE, OR SEWAGE  
22 TREATMENT RENTALS, RATES, OR CHARGES IMPOSED BY MUNICIPAL  
23 AUTHORITIES ORGANIZED BY COUNTIES OF THE SECOND CLASS, BY CITIES  
24 OF THE SECOND CLASS, BY CITIES OF THE SECOND CLASS A, BY CITIES  
25 OF THE THIRD CLASS, BY BOROUGHs OR BY TOWNSHIPS OF THE FIRST OR  
26 SECOND CLASS; AUTHORIZING AND REQUIRING THEM TO SUPPLY TO SUCH  
27 AUTHORITIES LISTS OF METERED WATER READINGS AND FLAT-RATE WATER  
28 BILLS AND OTHER DATA; AUTHORIZING THEM TO ACT AS BILLING AND  
29 COLLECTING AGENTS FOR SUCH AUTHORITIES; AND CONFERRING CERTAIN  
30 POWERS UPON THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IN

1 CONNECTION THEREWITH."

2 "COMMISSION." THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

3 CHAPTER 3

4 MUNICIPAL AUTHORITY APPROVAL OF ACTIONS

5 SECTION 301. DEFINITIONS.

6 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
7 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
8 CONTEXT CLEARLY INDICATES OTHERWISE:

9 "AUTHORITY." A BODY POLITIC AND CORPORATE WHICH MEETS ALL OF  
10 THE FOLLOWING:

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

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

27 (II) THE FORMER ACT OF MAY 2, 1945 (P.L.382,  
28 NO.164), KNOWN AS THE MUNICIPALITY AUTHORITIES ACT OF  
29 1945.

30 (III) 53 PA.C.S. CH. 56 (RELATING TO MUNICIPAL

1 AUTHORITIES).

2 (2) PROVIDES WATER AND SEWER SERVICES IN ACCORDANCE WITH  
3 ALL OF THE FOLLOWING:

4 (I) THE WATER AND SEWER SERVICES ARE PROVIDED,  
5 EITHER BY AN AGREEMENT WITH A MUNICIPALITY OR DIRECTLY,  
6 TO USERS WHO ARE RESIDENTS OF ONE OR MORE MUNICIPALITIES  
7 OUTSIDE THE BOUNDARIES OF THE CITY.

8 (II) THE TOTAL NUMBER OF RESIDENTS OUTSIDE THE  
9 BOUNDARIES OF THE CITY EXCEEDS BY AT LEAST 50% THE NUMBER  
10 OF RESIDENTS WHO RESIDE WITHIN THE BOUNDARIES OF THE  
11 CITY.

12 (3) OWNS:

13 (I) A SEWER, SEWER SYSTEM OR PARTS OF A SEWER OR  
14 SEWER SYSTEM OR SEWAGE TREATMENT WORKS; AND

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

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

19 "PROJECT." AS DEFINED IN 53 PA.C.S. § 5602 (RELATING TO  
20 DEFINITIONS).

21 SECTION 302. APPROVALS.

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

26 (1) TERMINATION OF AN AUTHORITY;

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

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

3 (B) OTHER MUNICIPALITIES.--

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

8 (I) TERMINATION OF THE AUTHORITY;

9 (II) CONVEYANCE OF A PROJECT OF THE AUTHORITY UNDER  
10 53 PA.C.S. § 5622; OR

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

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

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

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

19 (III) THE RESULT OF AN AFFIRMATIVE VOTE UNDER  
20 SUBPARAGRAPH (II) MUST BE TRANSMITTED TO THE CITY WITHIN  
21 48 HOURS OF THE VOTE.

22 SECTION 303. APPLICABILITY.

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

27 (B) EXCEPTION.--

28 (1) THIS CHAPTER SHALL NOT APPLY TO THE MERGER OF TWO OR  
29 MORE AUTHORITIES WHEN THE MERGER, INCLUDING THE CONVEYANCE OF  
30 ALL PROJECTS, OBLIGATIONS AND RESERVES, HAS BEEN APPROVED BY

1 EACH OF THE MEMBER MUNICIPALITIES AND THE MERGING  
2 AUTHORITIES.

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

6 CHAPTER 5

7 WATER UTILITIES

8 SECTION 501. 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 SECTION 502. TERMINATION OF SERVICE.

16 (A) GENERAL RULE.--EXCEPT AS SET FORTH IN SUBSECTION (C),  
17 ALL OF THE FOLLOWING APPLY:

18 (1) IF THE OWNER OR OCCUPANT OF A PREMISES SERVED BY A  
19 WATER UTILITY NEGLECTS OR FAILS TO PAY, FOR A PERIOD OF 30  
20 DAYS FROM THE DUE DATE, A RENTAL, RATE OR CHARGE FOR SEWER,  
21 SEWERAGE OR SEWAGE TREATMENT SERVICE IMPOSED BY A  
22 MUNICIPALITY OR MUNICIPAL AUTHORITY, THE WATER UTILITY SHALL,  
23 AT THE REQUEST AND DIRECTION OF THE MUNICIPALITY, THE  
24 AUTHORITY OR A CITY, BOROUGH OR TOWNSHIP TO WHICH THE  
25 AUTHORITY HAS ASSIGNED ITS CLAIM OR LIEN, SHUT OFF THE SUPPLY  
26 OF WATER TO THE PREMISES UNTIL ALL OVERDUE RENTALS, RATES,  
27 CHARGES AND 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.--EXCEPT AS SET FORTH IN SUBSECTION (C),  
10 ALL OF THE FOLLOWING APPLY:

11 (1) IN NO CASE SHALL THE WATER SUPPLY TO PREMISES BE  
12 SHUT OFF UNTIL TEN DAYS AFTER A WRITTEN NOTICE OF INTENTION  
13 TO DO SO HAS BEEN POSTED AT A MAIN ENTRANCE AND MAILED TO THE  
14 PERSON LIABLE FOR PAYMENT OF THE RENTALS AND CHARGES AND THE  
15 OWNER OF THE PROPERTY OR PROPERTY MANAGER.

16 (2) IF DURING THE TEN-DAY PERIOD THE PERSON LIABLE FOR  
17 PAYMENT OF THE RENTALS AND CHARGES DELIVERS TO THE WATER  
18 UTILITY AUTHORITY OR MUNICIPALITY SUPPLYING WATER TO THE  
19 PREMISES A WRITTEN STATEMENT UNDER OATH OR AFFIRMATION  
20 AVERRING THAT THERE IS A JUST DEFENSE TO ALL OR PART OF THE  
21 CLAIM AND THAT THE STATEMENT WAS NOT EXECUTED FOR THE PURPOSE  
22 OF DELAY, THE WATER SUPPLY SHALL NOT BE SHUT OFF UNTIL THE  
23 CLAIM HAS BEEN JUDICIALLY DETERMINED.

24 (C) EXCEPTION.--PRIOR TO DISCONTINUING SERVICE IN A  
25 RESIDENTIAL BUILDING, AS DEFINED UNDER THE ACT OF NOVEMBER 26,  
26 1978 (P.L.1255, NO.299), KNOWN AS THE UTILITY SERVICE TENANTS  
27 RIGHTS ACT, A WATER UTILITY SHALL COMPLY WITH THE PROVISIONS OF  
28 THAT ACT.

29 (D) FAILURE OF PREVIOUS LESSEE TO PAY BILL.--NOTHING IN THIS  
30 SECTION SHALL BE CONSTRUED TO AUTHORIZE AN AUTHORITY OR

1 PRIVATELY OWNED SEWER OR WATER COMPANY TO SHUT OFF OR DENY WATER  
2 SERVICE TO A LESSEE FOR FAILURE OF A PREVIOUS LESSEE TO PAY A  
3 WATER OR SEWER SERVICE RATE, RENTAL OR CHARGE.

4 SECTION 503. SUBMISSION OF WATER METER READINGS AND FLAT-RATE  
5 WATER BILLS.

6 A WATER UTILITY SHALL, AT THE REQUEST OF AN AUTHORITY, SUPPLY  
7 TO THE AUTHORITY, ON OR BEFORE THE 15TH DAY OF THE MONTH  
8 FOLLOWING THE MONTH DURING WHICH WATER BILLS ARE ISSUED, A LIST  
9 OF ALL WATER METER READINGS AND FLAT-RATE WATER BILLS ISSUED  
10 DURING THE PRECEDING CALENDAR MONTH AND THE BASIS OF EACH FLAT-  
11 RATE CUSTOMER'S WATER CHARGE FOR USE BY THE AUTHORITY IN  
12 CALCULATING OR COMPUTING ITS RENTALS, RATES OR CHARGES FOR  
13 FURNISHING SEWER, SEWERAGE OR SEWAGE TREATMENT SERVICE TO THE  
14 WATER CUSTOMERS.

15 SECTION 504. BILLING AND COLLECTING AGENT.

16 (A) GENERAL RULE.--A WATER UTILITY MAY ACT AS BILLING AND  
17 COLLECTING AGENTS OF A MUNICIPAL AUTHORITY WHICH IMPOSES  
18 RENTALS, RATES OR CHARGES FOR USE OF A SEWER, SEWERAGE SYSTEM OR  
19 SEWAGE TREATMENT WORKS UPON OWNERS OR OCCUPANTS OF PREMISES  
20 SERVED BY THE WATER UTILITY. UPON REQUEST OF AN AUTHORITY, THE  
21 WATER UTILITY MAY INCLUDE WITH ITS OWN BILLS FOR WATER OR WATER  
22 SERVICE THE RENTALS, RATES AND CHARGES FOR SEWER, SEWERAGE AND  
23 SEWAGE TREATMENT SERVICE. IF THE WATER UTILITY AGREES TO DO SO,  
24 THE ADDED RENTALS, RATES AND CHARGES SHALL BE SET FORTH  
25 SEPARATELY FROM THE CHARGES FOR WATER OR WATER SERVICE, BUT BOTH  
26 SHALL BE PAYABLE TO AND COLLECTED BY THE WATER UTILITY AND  
27 PAYMENT OF EITHER MAY BE REFUSED UNLESS BOTH ARE PAID.

28 (B) ACCOUNTING.--THE WATER UTILITY SHALL, AT LEAST ONCE EACH  
29 CALENDAR QUARTER, ACCOUNT FOR AND TURN OVER THE MONEYS IT HAS  
30 COLLECTED TO THE AUTHORITY IMPOSING THE RENTALS, RATES AND

1 CHARGES.

2 SECTION 505. PAYMENT FOR BILLING AND COLLECTING SERVICES.

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

7 (B) SHUT-OFF SERVICE.--AN AUTHORITY, CITY, BOROUGH OR  
8 TOWNSHIP REQUESTING AND DIRECTING THE SHUTOFF OF WATER SHALL  
9 ALSO PAY TO THE WATER UTILITY THE COST OF THE SHUT-OFF SERVICE  
10 AND THE ESTIMATED LOSS OF WATER REVENUES RESULTING FROM SUCH  
11 SHUTOFF.

12 (C) LONG-TERM AGREEMENTS.--A WATER UTILITY MAY ENTER INTO A  
13 LONG-TERM AGREEMENT WITH AN AUTHORITY FOR PERFORMING BILLING AND  
14 COLLECTING SERVICES AND WITH AN AUTHORITY, CITY, BOROUGH OR  
15 TOWNSHIP FOR SHUT-OFF SERVICES. THE AGREEMENT SHALL BE BINDING  
16 ON THE UTILITY, ITS SUCCESSORS AND ASSIGNS.

17 (D) DISPUTES.--IF A DISPUTE ARISES BETWEEN THE UTILITY AND  
18 AN AUTHORITY, CITY, BOROUGH OR TOWNSHIP AS TO THE COST OF SUCH  
19 SERVICES, THE AMOUNT OF REVENUES LOST OR THE PROVISIONS OF AN  
20 AGREEMENT UNDER THIS SUBSECTION, THE DISPUTE MAY BE SUBMITTED BY  
21 EITHER PARTY TO THE COMMISSION, WHOSE DECISION, UNLESS REVERSED  
22 ON APPEAL, SHALL BE FINAL. THIS SUBSECTION SHALL NOT BE  
23 CONSTRUED TO GRANT TO THE COMMISSION ANY OTHER REGULATORY POWER  
24 OR JURISDICTION OVER COUNTIES, CITIES, BOROUGH, TOWNSHIPS OR  
25 AUTHORITIES.

26 SECTION 506. SEVERABILITY.

27 THE PROVISIONS OF THIS CHAPTER ARE SEVERABLE. IF ANY  
28 PROVISION IS HELD TO BE UNCONSTITUTIONAL, THE DECISION SHALL NOT  
29 AFFECT THE VALIDITY OF THE REMAINING PROVISIONS, AND IT IS  
30 DECLARED AS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS CHAPTER

1 WOULD HAVE BEEN ADOPTED HAD THE UNCONSTITUTIONAL PROVISION NOT  
2 BEEN INCLUDED.

3 SECTION 507. INCONSISTENT REPEALS.

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

6 CHAPTER 40

7 MISCELLANEOUS PROVISIONS

8 SECTION 4001. REPEALS.

9 REPEALS ARE AS FOLLOWS:

10 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER  
11 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE CHAPTER 5.

12 (2) ACT 1949-98 IS REPEALED.

13 SECTION 4002. CONTINUATION.

14 CHAPTER 5 IS A CONTINUATION OF ACT 1949-98. EXCEPT AS  
15 OTHERWISE PROVIDED IN CHAPTER 5, ALL ACTIVITIES INITIATED UNDER  
16 ACT 1949-98 SHALL CONTINUE AND REMAIN IN FULL FORCE AND EFFECT  
17 AND MAY BE COMPLETED UNDER CHAPTER 5. ORDERS, REGULATIONS, RULES  
18 AND DECISIONS WHICH WERE MADE UNDER ACT 1949-98 AND WHICH ARE IN  
19 EFFECT ON THE EFFECTIVE DATE OF SECTION 4001 SHALL REMAIN IN  
20 FULL FORCE AND EFFECT UNTIL REVOKED, VACATED OR MODIFIED UNDER  
21 CHAPTER 5.

22 SECTION 4003. EFFECTIVE DATE.

23 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.