

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1108 Session of  
1989

INTRODUCED BY GREENWOOD, HELFRICK, BAKER, CORMAN AND SALVATORE,  
JUNE 26, 1989

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
JUNE 26, 1989

AN ACT

1 Amending the act of April 14, 1949 (P.L.482, No.98), entitled,  
2 as amended, "An act authorizing and requiring cities,  
3 boroughs, townships, municipal authorities and public utility  
4 companies engaged in the supplying of water, to shut off the  
5 supply of water for nonpayment of sewer, sewerage, or sewage  
6 treatment rentals, rates, or charges imposed by municipal  
7 authorities organized by counties of the second class, by  
8 cities of the second class, by cities of the second class A,  
9 by cities of the third class, by boroughs or by townships of  
10 the first or second class; authorizing and requiring them to  
11 supply to such authorities lists of metered water readings  
12 and flat-rate water bills and other data; authorizing them to  
13 act as billing and collecting agents for such authorities;  
14 and conferring certain powers upon the Pennsylvania Public  
15 Utility Commission in connection therewith," deleting a  
16 reference to counties of the second class.

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 Section 1. Section 1 of the act of April 14, 1949 (P.L.482,  
20 No.98), entitled, as amended, "An act authorizing and requiring  
21 cities, boroughs, townships, municipal authorities and public  
22 utility companies engaged in the supplying of water, to shut off  
23 the supply of water for nonpayment of sewer, sewerage, or sewage  
24 treatment rentals, rates, or charges imposed by municipal

1 authorities organized by counties of the second class, by cities  
2 of the second class, by cities of the second class A, by cities  
3 of the third class, by boroughs or by townships of the first or  
4 second class; authorizing and requiring them to supply to such  
5 authorities lists of metered water readings and flat-rate water  
6 bills and other data; authorizing them to act as billing and  
7 collecting agents for such authorities; and conferring certain  
8 powers upon the Pennsylvania Public Utility Commission in  
9 connection therewith," reenacted and amended September 7, 1955  
10 (P.L.576, No.147) and amended September 28, 1978 (P.L.827,  
11 No.162), is amended to read:

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

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

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

27       Section 2. This act shall take effect immediately.