

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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, FEBRUARY 14, 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~~

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

(3) OWNS ~~ONE OR ALL OF THE FOLLOWING:~~

(I) ~~A 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.; AND~~

(II) ~~A 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
AND 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

1 MUNICIPALITIES WHICH HAVE SERVICE AGREEMENTS WITH OR WHOSE
2 RESIDENTS PREVIOUSLY RECEIVED WATER AND SEWER SERVICES FROM <—
3 THE AUTHORITY PRIOR TO:

4 (I) TERMINATION OF THE AUTHORITY;

5 (II) CONVEYANCE OF A PROJECT OF THE AUTHORITY UNDER
6 53 PA.C.S. § 5622; OR

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

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

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

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

15 (III) THE RESULT OF AN AFFIRMATIVE VOTE UNDER
16 SUBPARAGRAPH (II) MUST BE TRANSMITTED TO THE CITY WITHIN
17 48 HOURS OF THE VOTE.

18 § 1603. APPLICABILITY.

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

23 (B) EXCEPTION.--

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

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

(RELATING TO DEFINITIONS).

CHAPTER 18

WATER UTILITIES

SEC.

1801. DEFINITIONS.

1802. TERMINATION OF SERVICE.

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

1804. BILLING AND COLLECTING AGENT.

1805. PAYMENT FOR BILLING AND COLLECTING SERVICES.

1806. SEVERABILITY.

1807. INCONSISTENT REPEALS.

§ 1801. DEFINITIONS.

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

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

§ 1802. TERMINATION OF SERVICE.

(A) GENERAL RULE.--

(1) EXCEPT AS PROVIDED IN SUBSECTION (E), IF THE OWNER
OR OCCUPANT OF PREMISES SERVED BY A WATER UTILITY NEGLECTS OR
FAILS TO PAY, FOR A PERIOD OF 30 DAYS FROM THE DUE DATE, A
RENTAL, RATE OR CHARGE FOR SEWER, SEWERAGE OR SEWAGE
TREATMENT SERVICE IMPOSED BY A MUNICIPALITY OR MUNICIPAL
AUTHORITY, THE WATER UTILITY IS AUTHORIZED AND REQUIRED, AT
THE REQUEST AND DIRECTION OF THE MUNICIPALITY, THE AUTHORITY
OR A CITY, BOROUGH OR TOWNSHIP TO WHICH THE AUTHORITY HAS
ASSIGNED ITS CLAIM OR LIEN, TO SHUT OFF THE SUPPLY OF WATER

1 TO THE PREMISES UNTIL ALL OVERDUE RENTALS, RATES, CHARGES AND
2 ASSOCIATED PENALTIES AND INTEREST ARE PAID.

3 (2) IF THE AUTHORITY, CITY, BOROUGH OR TOWNSHIP ALSO
4 SUPPLIES WATER TO PREMISES, THE AUTHORITY, CITY, BOROUGH OR
5 TOWNSHIP IS AUTHORIZED TO SHUT OFF THE SUPPLY OF WATER TO THE
6 PREMISES.

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

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

26 (C) FAILURE OF PREVIOUS LESSEE TO PAY BILL.--NOTHING IN THIS
27 SECTION SHALL BE CONSTRUED TO AUTHORIZE AN AUTHORITY OR
28 PRIVATELY OWNED SEWER OR WATER COMPANY TO SHUT OFF OR DENY WATER
29 SERVICE TO A LESSEE FOR FAILURE OF A PREVIOUS LESSEE TO PAY A
30 WATER OR SEWER SERVICE RATE, RENTAL OR CHARGE.

(D) TENANTS.--

(1) EXCEPT AS SET FORTH IN PARAGRAPH (2), IF PREMISES ARE LEASED FOR NONRESIDENTIAL USE TO A TENANT WITH NO HISTORY OF DELINQUENT OR MISSED PAYMENTS TO A WATER UTILITY, AND WATER SERVICE IS NOT INCLUDED AS PART OF THE LEASE PAYMENT, THE WATER UTILITY PROVIDING SERVICE TO THE PREMISES MAY 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 A WATER UTILITY TO A DEGREE THAT WARRANTS TERMINATION OF SERVICE, THE WATER UTILITY SHALL SEND NOTIFICATION TO THE LANDLORD AS PROVIDED IN SUBSECTION (A).

(E) RESIDENTIAL BUILDINGS.--PRIOR TO DISCONTINUING SERVICE TO A TENANT 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, A WATER UTILITY SHALL COMPLY WITH ALL OF THE PROVISIONS OF THAT ACT.

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

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

§ 1804. BILLING AND COLLECTING AGENT.

1 (A) GENERAL RULE.--A WATER UTILITY IS AUTHORIZED TO ACT AS
2 BILLING AND COLLECTING AGENTS OF A MUNICIPAL AUTHORITY WHICH
3 IMPOSES RENTALS, RATES OR CHARGES FOR USE OF A SEWER, SEWERAGE
4 SYSTEM OR SEWAGE TREATMENT WORKS UPON OWNERS OR OCCUPANTS OF
5 PREMISES SERVED BY THE WATER UTILITY. UPON REQUEST OF AN
6 AUTHORITY, THE WATER UTILITY MAY INCLUDE WITH ITS OWN BILLS FOR
7 WATER OR WATER SERVICE THE RENTALS, RATES AND CHARGES FOR SEWER,
8 SEWERAGE AND SEWAGE TREATMENT SERVICE. IF THE WATER UTILITY
9 AGREES TO DO SO, THE ADDED RENTALS, RATES AND CHARGES SHALL BE
10 SET FORTH SEPARATELY FROM THE CHARGES FOR WATER OR WATER
11 SERVICE, BUT BOTH SHALL BE PAYABLE TO AND COLLECTED BY THE WATER
12 UTILITY AND PAYMENT OF EITHER MAY BE REFUSED UNLESS BOTH ARE
13 PAID.

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

18 § 1805. PAYMENT FOR BILLING AND COLLECTING SERVICES.

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

23 (B) SHUT-OFF SERVICE.--AN AUTHORITY, CITY, BOROUGH OR
24 TOWNSHIP REQUESTING AND DIRECTING THE SHUT-OFF OF WATER SHALL
25 ALSO PAY TO THE WATER UTILITY THE COST OF THE SHUT-OFF SERVICE
26 AND THE ESTIMATED LOSS OF WATER REVENUES RESULTING FROM SUCH
27 SHUT-OFF.

28 (C) LONG-TERM AGREEMENTS.--A WATER UTILITY MAY ENTER INTO A
29 LONG-TERM AGREEMENT WITH AN AUTHORITY FOR PERFORMING BILLING AND
30 COLLECTING SERVICES AND WITH AN AUTHORITY, CITY, BOROUGH OR

1 TOWNSHIP FOR SHUT-OFF SERVICES. THE AGREEMENT SHALL BE BINDING
2 ON THE UTILITY, ITS SUCCESSORS AND ASSIGNS.

3 (D) DISPUTES.--IF A DISPUTE ARISES BETWEEN THE UTILITY AND
4 AN AUTHORITY, CITY, BOROUGH OR TOWNSHIP AS TO THE COST OF SUCH
5 SERVICES, THE AMOUNT OF REVENUES LOST OR THE PROVISIONS OF AN
6 AGREEMENT UNDER THIS SUBSECTION, THE DISPUTE MAY BE SUBMITTED BY
7 EITHER PARTY TO THE COMMISSION, WHOSE DECISION, UNLESS REVERSED
8 ON APPEAL, SHALL BE FINAL. THIS SUBSECTION SHALL NOT BE
9 CONSTRUED TO GRANT TO THE COMMISSION ANY OTHER REGULATORY POWER
10 OR JURISDICTION OVER COUNTIES, CITIES, BOROUGH, TOWNSHIPS OR
11 AUTHORITIES.

12 § 1806. SEVERABILITY.

13 THE PROVISIONS OF THIS CHAPTER ARE SEVERABLE. IF ANY
14 PROVISION IS HELD TO BE UNCONSTITUTIONAL, THE DECISION SHALL NOT
15 AFFECT THE VALIDITY OF THE REMAINING PROVISIONS, AND IT IS
16 DECLARED AS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS CHAPTER
17 WOULD HAVE BEEN ADOPTED HAD THE UNCONSTITUTIONAL PROVISION NOT
18 BEEN INCLUDED.

19 § 1807. INCONSISTENT REPEALS.

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

22 SECTION 2. REPEALS ARE AS FOLLOWS:

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

26 (2) THE ACT OF APRIL 14, 1949 (P.L.482, NO.98),
27 ENTITLED, AS AMENDED, "AN ACT AUTHORIZING AND REQUIRING
28 CITIES, BOROUGH, TOWNSHIPS, MUNICIPAL AUTHORITIES AND PUBLIC
29 UTILITY COMPANIES ENGAGED IN THE SUPPLYING OF WATER, TO SHUT
30 OFF THE SUPPLY OF WATER FOR NONPAYMENT OF SEWER, SEWERAGE, OR

1 SEWAGE TREATMENT RENTALS, RATES, OR CHARGES IMPOSED BY
2 MUNICIPAL AUTHORITIES ORGANIZED BY COUNTIES OF THE SECOND
3 CLASS, BY CITIES OF THE SECOND CLASS, BY CITIES OF THE SECOND
4 CLASS A, BY CITIES OF THE THIRD CLASS, BY BOROUGHs OR BY
5 TOWNSHIPS OF THE FIRST OR SECOND CLASS; AUTHORIZING AND
6 REQUIRING THEM TO SUPPLY TO SUCH AUTHORITIES LISTS OF METERED
7 WATER READINGS AND FLAT-RATE WATER BILLS AND OTHER DATA;
8 AUTHORIZING THEM TO ACT AS BILLING AND COLLECTING AGENTS FOR
9 SUCH AUTHORITIES; AND CONFERRING CERTAIN POWERS UPON THE
10 PENNSYLVANIA PUBLIC UTILITY COMMISSION IN CONNECTION
11 THEREWITH," IS REPEALED.

12 SECTION 3. THE ADDITION OF 66 PA.C.S. CH. 18 IS A
13 CONTINUATION OF THE ACT OF APRIL 14, 1949 (P.L.482, NO.98),
14 ENTITLED, AS AMENDED, "AN ACT AUTHORIZING AND REQUIRING CITIES,
15 BOROUGHs, TOWNSHIPS, MUNICIPAL AUTHORITIES AND PUBLIC UTILITY
16 COMPANIES ENGAGED IN THE SUPPLYING OF WATER, TO SHUT OFF THE
17 SUPPLY OF WATER FOR NONPAYMENT OF SEWER, SEWERAGE, OR SEWAGE
18 TREATMENT RENTALS, RATES, OR CHARGES IMPOSED BY MUNICIPAL
19 AUTHORITIES ORGANIZED BY COUNTIES OF THE SECOND CLASS, BY CITIES
20 OF THE SECOND CLASS, BY CITIES OF THE SECOND CLASS A, BY CITIES
21 OF THE THIRD CLASS, BY BOROUGHs OR BY TOWNSHIPS OF THE FIRST OR
22 SECOND CLASS; AUTHORIZING AND REQUIRING THEM TO SUPPLY TO SUCH
23 AUTHORITIES LISTS OF METERED WATER READINGS AND FLAT-RATE WATER
24 BILLS AND OTHER DATA; AUTHORIZING THEM TO ACT AS BILLING AND
25 COLLECTING AGENTS FOR SUCH AUTHORITIES; AND CONFERRING CERTAIN
26 POWERS UPON THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IN
27 CONNECTION THEREWITH," AND REFERRED TO IN THIS SECTION AS ACT
28 1949-98. THE FOLLOWING APPLY:

29 (1) EXCEPT AS OTHERWISE PROVIDED IN 66 PA.C.S. CH. 18,
30 ALL ACTIVITIES INITIATED UNDER ACT 1949-98 SHALL CONTINUE AND

1 REMAIN IN FULL FORCE AND EFFECT AND MAY BE COMPLETED UNDER 66
2 PA.C.S. CH. 18. ORDERS, REGULATIONS, RULES AND DECISIONS
3 WHICH WERE MADE UNDER ACT 1949-98 AND WHICH ARE IN EFFECT ON
4 THE EFFECTIVE DATE OF SECTION 2 OF THIS ACT SHALL REMAIN IN
5 FULL FORCE AND EFFECT UNTIL REVOKED, VACATED OR MODIFIED
6 UNDER 66 PA.C.S. CH. 18.

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

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

15 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.