

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

**No. 1065** Session of  
2004

INTRODUCED BY RHOADES, DENT, D. WHITE, PILEGGI, WOZNIAK,  
BOSCOLA, C. WILLIAMS AND THOMPSON, APRIL 5, 2004

REFERRED TO LOCAL GOVERNMENT, APRIL 5, 2004

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," further  
16 providing for shutting off water if sewer charge not paid and  
17 notice and statement of defense.

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

20 Section 1. Section 1 of the act of April 14, 1949 (P.L.482,  
21 No.98), entitled, as amended, "An act authorizing and requiring  
22 cities, boroughs, townships, municipal authorities and public  
23 utility companies engaged in the supplying of water, to shut off  
24 the supply of water for nonpayment of sewer, sewerage, or sewage  
25 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," amended September 28, 1978 (P.L.827,  
10 No.162), is amended to read:

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

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

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

26       Section 2. This act shall take effect immediately.