



January 25, 2008

SENATE BILL No. 213

DIGEST OF SB 213 (Updated January 22, 2008 9:00 pm - DI 101)

Citations Affected: IC 13-26; IC 34-30.

Synopsis: Regional sewer districts. Provides that a regional sewer district that serves not more than 125 customers may: (1) recover a penalty of 10% from a user or an owner of property served by the district's sewage works if rates or charges assessed by the district are not paid within 60 days after they become due; and (2) require that a water utility providing water service to a delinquent user discontinue service until payment of all overdue rates or charges, along with any penalties, are received by the district.

Effective: July 1, 2008.

Young R

January 8, 2008, read first time and referred to Committee on Utilities & Regulatory Affairs.
January 24, 2008, amended, reported favorably — Do Pass.

C
o
p
y



January 25, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

C
o
p
y

SENATE BILL No. 213



A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 13-26-11-14.5 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2008]: **Sec. 14.5. (a) This section applies to a**
- 4 **regional sewage district that serves not more than one hundred**
- 5 **twenty-five (125) customers.**
- 6 **(b) If rates or charges assessed under this chapter are not paid**
- 7 **within sixty (60) days after they become due, the amount, together**
- 8 **with a penalty of ten percent (10%) and a reasonable attorney's**
- 9 **fee, may be recovered by the board in a civil action in the name of**
- 10 **the district from the delinquent user or owner of the property**
- 11 **served by the district's sewage works.**
- 12 **(c) The board may require that a water utility providing water**
- 13 **service to a delinquent user discontinue service until payment of all**
- 14 **overdue rates or charges, together with any penalties provided in**
- 15 **this section, are received by the district.**
- 16 **(d) If rates or charges assessed under this chapter are not paid**
- 17 **within sixty (60) days after they become due, the board or the**

SB 213—LS 6784/DI 101+



1 board's designee shall send notice to the delinquent user stating:
 2 (1) the delinquent amount due, together with any penalty;
 3 (2) that water service may be disconnected if the user
 4 continues not to pay the delinquency and any penalty; and
 5 (3) the procedure for resolving disputed bills.
 6 The board shall provide by ordinance a procedure for resolving
 7 disputed bills that includes an opportunity for a delinquent user to
 8 meet informally with designated personnel empowered to correct
 9 incorrect charges. Payment of a disputed bill and penalties by a
 10 user does not constitute a waiver of rights to subsequently claim
 11 and recover from the district sums improperly charged to the user.
 12 (e) If the user fails to pay the delinquent amount or otherwise
 13 fails to resolve the charges as specified under subsection (d), the
 14 board or the board's designee shall give written notice to the water
 15 utility serving the user to discontinue water service to the premises
 16 designated in the notice until notified otherwise. The notice must
 17 identify the delinquent user in enough detail to enable the water
 18 utility to identify the water service connection that is to be
 19 terminated. Upon receipt of the notice, the water utility shall
 20 disconnect water service to the user.
 21 (f) Water service may not be shut off under this section if a local
 22 board of health has found and certified to the district that the
 23 termination of water service will endanger the health of the user
 24 and others in the district.
 25 (g) The water utility that discontinues water service in
 26 accordance with an order from the board or the board's designee
 27 does not incur any liability except to the extent of the water utility's
 28 own negligence or improper conduct.
 29 (h) If the water utility does not discontinue service within thirty
 30 (30) days after receiving notice from the district, the water utility
 31 is liable for any sewer rates or charges that are:
 32 (1) incurred thirty (30) days after the water utility's receipt of
 33 notice to discontinue water service; and
 34 (2) not collected from the user.
 35 (i) In addition to the penalties under subsections (b) and (c) and
 36 IC 13-26-14, a delinquent user may not discharge water into the
 37 district's sewers and may have the property disconnected from the
 38 district's sewers.
 39 SECTION 2. IC 34-30-2-51.9 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2008]: IC 13-26-11-14.5(g) (Concerning
 42 discontinuance of water service by a water utility).

COPY



COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Regulatory Affairs, to which was referred Senate Bill No. 213, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 7, delete "thirty (30)" and insert "**sixty (60)**".

Page 1, line 17, delete "thirty (30)" and insert "**sixty (60)**".

and when so amended that said bill do pass.

(Reference is to SB 213 as introduced.)

HERSHMAN, Chairperson

Committee Vote: Yeas 9, Nays 0.

C
O
P
Y

