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HOUSE BILL 1785

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Casada, Huff, Kessler, Crouse, Skinner, Backlund and Hymes

Read first time 02/08/95. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to seller responsibility for unpaid charges for  
2 utility services to single-family dwellings; adding a new section to  
3 chapter 35.21 RCW; adding a new section to chapter 35.67 RCW; adding a  
4 new section to chapter 36.36 RCW; adding a new section to chapter 36.89  
5 RCW; adding a new section to chapter 36.94 RCW; adding a new section  
6 chapter 56.16 RCW; adding a new section to chapter 57.08 RCW; and  
7 adding a new section to chapter 87.03 RCW.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW  
10 to read as follows:

11 (1) Unless otherwise stated in writing and separately acknowledged  
12 in writing by the purchaser, it is the responsibility of the seller of  
13 a fee interest in a single-family dwelling to satisfy upon closing the  
14 lien provided for by RCW 35.21.290. No person serving as an escrow  
15 agent as defined in RCW 18.44.010(4), including persons authorized in  
16 RCW 18.44.020 to act without a certificate of registration, may refuse  
17 a request by the seller or purchaser of a fee interest in a single-  
18 family dwelling to administer the disbursement of closing funds  
19 necessary to satisfy a lien under RCW 35.21.290. If an escrow agent,

1 as specified above, handles the sale, the escrow agent shall timely  
2 request a final billing under subsection (2) of this section from all  
3 affected utilities, and inform the seller and the purchaser of all  
4 amounts for final estimated billings furnished by those utilities prior  
5 to closing. Final billing shall include all outstanding charges.  
6 "Charges" as used in this subsection includes all lawful charges  
7 assessed by the utility, including but not limited to consumption  
8 charges, connection charges, contributions provided for by state law,  
9 charges for meters and other equipment provided to the customer, and  
10 charges in connection with repair, replacement, or location of customer  
11 facilities.

12 (2)(a) Upon request for a final billing with respect to real  
13 property that is to be sold, a utility operated by a city, town, or  
14 county that provides water, storm water, sewer, garbage, electricity,  
15 or natural gas service to the property shall provide the owner of the  
16 property or the closing agent for the sale with an estimated final  
17 billing under the conditions set forth in this section.

18 (b) If the request for an estimated final billing is received by  
19 the billing office of the utility no less than seven working days  
20 before the closing date stated in the request, the utility shall  
21 provide the estimated final billing no less than one day before the  
22 stated closing date. However, if the request is received less than  
23 seven working days before the stated closing date, the utility shall  
24 make reasonable efforts to provide the estimated final billing prior to  
25 the stated closing date.

26 (c) The estimated final billing shall, in addition to stating the  
27 estimated final amount owing as of the date of the stated closing,  
28 state the average per diem rate for the utility or utilities involved,  
29 including taxes and other charges, which shall be applied for up to  
30 seven days beyond the stated date of closing in the event that the  
31 closing date is delayed. If closing is delayed beyond seven days, a  
32 new estimated final billing must be requested. In lieu of furnishing  
33 a revised billing, the utility may extend the number of days for which  
34 the per diem charge may be used.

35 (d) If the utility fails to timely provide the estimated final  
36 billing in response to a request made no less than seven working days  
37 before the stated closing date, the utility shall forfeit the right it  
38 may have to collect from the purchaser outstanding utility charges of  
39 the former owner that were incurred before the stated closing date.

1 (e) If closing occurs no later than the last date for which per  
2 diem charges may be applied, full payment of the amount plus per diem  
3 charges, shall extinguish the lien of the utility provided under RCW  
4 35.21.290 for charges incurred prior to the date of closing.

5 (f) This subsection (2) does not in any manner limit the right of  
6 a utility to obtain recovery from the former owner of the property for  
7 outstanding charges that are in excess of the estimated final billing.  
8 However, if the estimated final billing is in excess of the amount owed  
9 as determined by an actual meter reading, the utility shall refund the  
10 amount to the former owner within seven working days of the actual  
11 reading by sending the refund in the owner's name to the last address  
12 given by the former owner.

13 (g) For the purposes of this section, a "working day" is considered  
14 to be a day that the utility in question is open for business.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.67 RCW  
16 to read as follows:

17 (1) Unless otherwise stated in writing and separately acknowledged  
18 in writing by the purchaser, it is the responsibility of the seller of  
19 a fee interest in a single-family dwelling to satisfy upon closing the  
20 lien provided for by RCW 35.67.200. No person serving as an escrow  
21 agent as defined in RCW 18.44.010(4), including persons authorized in  
22 RCW 18.44.020 to act without a certificate of registration, may refuse  
23 a request by the seller or purchaser of a fee interest in a single-  
24 family dwelling to administer the disbursement of closing funds  
25 necessary to satisfy a lien under RCW 35.67.200. If an escrow agent,  
26 as specified above, handles the sale, the escrow agent shall timely  
27 request a final billing under subsection (2) of this section from all  
28 affected utilities, and inform the seller and the purchaser of all  
29 amounts for final estimated billings furnished by those utilities prior  
30 to closing. Final billing shall include all outstanding charges.  
31 "Charges" as used in this subsection includes all lawful charges  
32 assessed by the utility, including but not limited to consumption  
33 charges, connection charges, contributions provided for by state law,  
34 charges for meters and other equipment provided to the customer, and  
35 charges in connection with repair, replacement, or location of customer  
36 facilities.

37 (2)(a) Upon request for a final billing with respect to real  
38 property that is to be sold, a utility operated by a city, town, or

1 county that provides water, storm water, sewer, garbage, electricity,  
2 or natural gas service to the property shall provide the owner of the  
3 property or the closing agent for the sale with an estimated final  
4 billing under the conditions set forth in this section.

5 (b) If the request for an estimated final billing is received by  
6 the billing office of the utility no less than seven working days  
7 before the closing date stated in the request, the utility shall  
8 provide the estimated final billing no less than one day before the  
9 stated closing date. However, if the request is received less than  
10 seven working days before the stated closing date, the utility shall  
11 make reasonable efforts to provide the estimated final billing prior to  
12 the stated closing date.

13 (c) The estimated final billing shall, in addition to stating the  
14 estimated final amount owing as of the date of the stated closing,  
15 state the average per diem rate for the utility or utilities involved,  
16 including taxes and other charges, which shall be applied for up to  
17 seven days beyond the stated date of closing in the event that the  
18 closing date is delayed. If closing is delayed beyond seven days, a  
19 new estimated final billing must be requested. In lieu of furnishing  
20 a revised billing, the utility may extend the number of days for which  
21 the per diem charge may be used.

22 (d) If the utility fails to timely provide the estimated final  
23 billing in response to a request made no less than seven working days  
24 before the stated closing date, the utility shall forfeit the right it  
25 may have to collect from the purchaser outstanding utility charges of  
26 the former owner that were incurred before the stated closing date.

27 (e) If closing occurs no later than the last date for which per  
28 diem charges may be applied, full payment of the amount plus per diem  
29 charges, shall extinguish the lien of the utility provided under RCW  
30 35.67.200 for charges incurred prior to the date of closing.

31 (f) This subsection (2) does not in any manner limit the right of  
32 a utility to obtain recovery from the former owner of the property for  
33 outstanding charges that are in excess of the estimated final billing.  
34 However, if the estimated final billing is in excess of the amount owed  
35 as determined by an actual meter reading, the utility shall refund the  
36 amount to the former owner within seven working days of the actual  
37 reading by sending the refund in the owner's name to the last address  
38 given by the former owner.

1 (g) For the purposes of this section, a "working day" is considered  
2 to be a day that the utility in question is open for business.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.36 RCW  
4 to read as follows:

5 (1) Unless otherwise stated in writing and separately acknowledged  
6 in writing by the purchaser, it is the responsibility of the seller of  
7 a fee interest in a single-family dwelling to satisfy upon closing the  
8 lien provided for by RCW 36.36.045. No person serving as an escrow  
9 agent as defined in RCW 18.44.010(4), including persons authorized in  
10 RCW 18.44.020 to act without a certificate of registration, may refuse  
11 a request by the seller or purchaser of a fee interest in a single-  
12 family dwelling to administer the disbursement of closing funds  
13 necessary to satisfy a lien under RCW 36.36.045. If an escrow agent,  
14 as specified above, handles the sale, the escrow agent shall timely  
15 request a final billing under subsection (2) of this section from all  
16 affected utilities, and inform the seller and the purchaser of all  
17 amounts for final estimated billings furnished by those utilities prior  
18 to closing. Final billing shall include all outstanding charges.  
19 "Charges" as used in this subsection includes all lawful charges  
20 assessed by the utility, including but not limited to consumption  
21 charges, connection charges, contributions provided for by state law,  
22 charges for meters and other equipment provided to the customer, and  
23 charges in connection with repair, replacement, or location of customer  
24 facilities.

25 (2)(a) Upon request for a final billing with respect to real  
26 property that is to be sold, a utility operated by a city, town, or  
27 county that provides water, storm water, sewer, garbage, electricity,  
28 or natural gas service to the property shall provide the owner of the  
29 property or the closing agent for the sale with an estimated final  
30 billing under the conditions set forth in this section.

31 (b) If the request for an estimated final billing is received by  
32 the billing office of the utility no less than seven working days  
33 before the closing date stated in the request, the utility shall  
34 provide the estimated final billing no less than one day before the  
35 stated closing date. However, if the request is received less than  
36 seven working days before the stated closing date, the utility shall  
37 make reasonable efforts to provide the estimated final billing prior to  
38 the stated closing date.

1 (c) The estimated final billing shall, in addition to stating the  
2 estimated final amount owing as of the date of the stated closing,  
3 state the average per diem rate for the utility or utilities involved,  
4 including taxes and other charges, which shall be applied for up to  
5 seven days beyond the stated date of closing in the event that the  
6 closing date is delayed. If closing is delayed beyond seven days, a  
7 new estimated final billing must be requested. In lieu of furnishing  
8 a revised billing, the utility may extend the number of days for which  
9 the per diem charge may be used.

10 (d) If the utility fails to timely provide the estimated final  
11 billing in response to a request made no less than seven working days  
12 before the stated closing date, the utility shall forfeit the right it  
13 may have to collect from the purchaser outstanding utility charges of  
14 the former owner that were incurred before the stated closing date.

15 (e) If closing occurs no later than the last date for which per  
16 diem charges may be applied, full payment of the amount plus per diem  
17 charges, shall extinguish the lien of the utility provided under RCW  
18 36.36.045 for charges incurred prior to the date of closing.

19 (f) This subsection (2) does not in any manner limit the right of  
20 a utility to obtain recovery from the former owner of the property for  
21 outstanding charges that are in excess of the estimated final billing.  
22 However, if the estimated final billing is in excess of the amount owed  
23 as determined by an actual meter reading, the utility shall refund the  
24 amount to the former owner within seven working days of the actual  
25 reading by sending the refund in the owner's name to the last address  
26 given by the former owner.

27 (g) For the purposes of this section, a "working day" is considered  
28 to be a day that the utility in question is open for business.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.89 RCW  
30 to read as follows:

31 (1) Unless otherwise stated in writing and separately acknowledged  
32 in writing by the purchaser, it is the responsibility of the seller of  
33 a fee interest in a single-family dwelling to satisfy upon closing the  
34 lien provided for by RCW 36.89.090. No person serving as an escrow  
35 agent as defined in RCW 18.44.010(4), including persons authorized in  
36 RCW 18.44.020 to act without a certificate of registration, may refuse  
37 a request by the seller or purchaser of a fee interest in a single-  
38 family dwelling to administer the disbursement of closing funds

1 necessary to satisfy a lien under RCW 36.89.090. If an escrow agent,  
2 as specified above, handles the sale, the escrow agent shall timely  
3 request a final billing under subsection (2) of this section from all  
4 affected utilities, and inform the seller and the purchaser of all  
5 amounts for final estimated billings furnished by those utilities prior  
6 to closing. Final billing shall include all outstanding charges.  
7 "Charges" as used in this subsection includes all lawful charges  
8 assessed by the utility, including but not limited to consumption  
9 charges, connection charges, contributions provided for by state law,  
10 charges for meters and other equipment provided to the customer, and  
11 charges in connection with repair, replacement, or location of customer  
12 facilities.

13 (2)(a) Upon request for a final billing with respect to real  
14 property that is to be sold, a utility operated by a city, town, or  
15 county that provides water, storm water, sewer, garbage, electricity,  
16 or natural gas service to the property shall provide the owner of the  
17 property or the closing agent for the sale with an estimated final  
18 billing under the conditions set forth in this section.

19 (b) If the request for an estimated final billing is received by  
20 the billing office of the utility no less than seven working days  
21 before the closing date stated in the request, the utility shall  
22 provide the estimated final billing no less than one day before the  
23 stated closing date. However, if the request is received less than  
24 seven working days before the stated closing date, the utility shall  
25 make reasonable efforts to provide the estimated final billing prior to  
26 the stated closing date.

27 (c) The estimated final billing shall, in addition to stating the  
28 estimated final amount owing as of the date of the stated closing,  
29 state the average per diem rate for the utility or utilities involved,  
30 including taxes and other charges, which shall be applied for up to  
31 seven days beyond the stated date of closing in the event that the  
32 closing date is delayed. If closing is delayed beyond seven days, a  
33 new estimated final billing must be requested. In lieu of furnishing  
34 a revised billing, the utility may extend the number of days for which  
35 the per diem charge may be used.

36 (d) If the utility fails to timely provide the estimated final  
37 billing in response to a request made no less than seven working days  
38 before the stated closing date, the utility shall forfeit the right it

1 may have to collect from the purchaser outstanding utility charges of  
2 the former owner that were incurred before the stated closing date.

3 (e) If closing occurs no later than the last date for which per  
4 diem charges may be applied, full payment of the amount plus per diem  
5 charges, shall extinguish the lien of the utility provided under RCW  
6 36.89.090 for charges incurred prior to the date of closing.

7 (f) This subsection (2) does not in any manner limit the right of  
8 a utility to obtain recovery from the former owner of the property for  
9 outstanding charges that are in excess of the estimated final billing.  
10 However, if the estimated final billing is in excess of the amount owed  
11 as determined by an actual meter reading, the utility shall refund the  
12 amount to the former owner within seven working days of the actual  
13 reading by sending the refund in the owner's name to the last address  
14 given by the former owner.

15 (g) For the purposes of this section, a "working day" is considered  
16 to be a day that the utility in question is open for business.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.94 RCW  
18 to read as follows:

19 (1) Unless otherwise stated in writing and separately acknowledged  
20 in writing by the purchaser, it is the responsibility of the seller of  
21 a fee interest in a single-family dwelling to satisfy upon closing the  
22 lien provided for by RCW 36.94.150. No person serving as an escrow  
23 agent as defined in RCW 18.44.010(4), including persons authorized in  
24 RCW 18.44.020 to act without a certificate of registration, may refuse  
25 a request by the seller or purchaser of a fee interest in a single-  
26 family dwelling to administer the disbursement of closing funds  
27 necessary to satisfy a lien under RCW 36.94.150. If an escrow agent,  
28 as specified above, handles the sale, the escrow agent shall timely  
29 request a final billing under subsection (2) of this section from all  
30 affected utilities, and inform the seller and the purchaser of all  
31 amounts for final estimated billings furnished by those utilities prior  
32 to closing. Final billing shall include all outstanding charges.  
33 "Charges" as used in this subsection includes all lawful charges  
34 assessed by the utility, including but not limited to consumption  
35 charges, connection charges, contributions provided for by state law,  
36 charges for meters and other equipment provided to the customer, and  
37 charges in connection with repair, replacement, or location of customer  
38 facilities.

1 (2)(a) Upon request for a final billing with respect to real  
2 property that is to be sold, a utility operated by a city, town, or  
3 county that provides water, storm water, sewer, garbage, electricity,  
4 or natural gas service to the property shall provide the owner of the  
5 property or the closing agent for the sale with an estimated final  
6 billing under the conditions set forth in this section.

7 (b) If the request for an estimated final billing is received by  
8 the billing office of the utility no less than seven working days  
9 before the closing date stated in the request, the utility shall  
10 provide the estimated final billing no less than one day before the  
11 stated closing date. However, if the request is received less than  
12 seven working days before the stated closing date, the utility shall  
13 make reasonable efforts to provide the estimated final billing prior to  
14 the stated closing date.

15 (c) The estimated final billing shall, in addition to stating the  
16 estimated final amount owing as of the date of the stated closing,  
17 state the average per diem rate for the utility or utilities involved,  
18 including taxes and other charges, which shall be applied for up to  
19 seven days beyond the stated date of closing in the event that the  
20 closing date is delayed. If closing is delayed beyond seven days, a  
21 new estimated final billing must be requested. In lieu of furnishing  
22 a revised billing, the utility may extend the number of days for which  
23 the per diem charge may be used.

24 (d) If the utility fails to timely provide the estimated final  
25 billing in response to a request made no less than seven working days  
26 before the stated closing date, the utility shall forfeit the right it  
27 may have to collect from the purchaser outstanding utility charges of  
28 the former owner that were incurred before the stated closing date.

29 (e) If closing occurs no later than the last date for which per  
30 diem charges may be applied, full payment of the amount plus per diem  
31 charges, shall extinguish the lien of the utility provided under RCW  
32 36.94.150 for charges incurred prior to the date of closing.

33 (f) This subsection (2) does not in any manner limit the right of  
34 a utility to obtain recovery from the former owner of the property for  
35 outstanding charges that are in excess of the estimated final billing.  
36 However, if the estimated final billing is in excess of the amount owed  
37 as determined by an actual meter reading, the utility shall refund the  
38 amount to the former owner within seven working days of the actual

1 reading by sending the refund in the owner's name to the last address  
2 given by the former owner.

3 (g) For the purposes of this section, a "working day" is considered  
4 to be a day that the utility in question is open for business.

5 NEW SECTION. **Sec. 6.** A new section is added to chapter 56.16 RCW  
6 to read as follows:

7 (1) Unless otherwise stated in writing and separately acknowledged  
8 in writing by the purchaser, it is the responsibility of the seller of  
9 a fee interest in a single-family dwelling to satisfy upon closing the  
10 lien provided for by RCW 56.16.100. No person serving as an escrow  
11 agent as defined in RCW 18.44.010(4), including persons authorized in  
12 RCW 18.44.020 to act without a certificate of registration, may refuse  
13 a request by the seller or purchaser of a fee interest in a single-  
14 family dwelling to administer the disbursement of closing funds  
15 necessary to satisfy a lien under RCW 56.16.100. If an escrow agent,  
16 as specified above, handles the sale, the escrow agent shall timely  
17 request a final billing under subsection (2) of this section from all  
18 affected utilities, and inform the seller and the purchaser of all  
19 amounts for final estimated billings furnished by those utilities prior  
20 to closing. Final billing shall include all outstanding charges.  
21 "Charges" as used in this subsection includes all lawful charges  
22 assessed by the utility, including but not limited to consumption  
23 charges, connection charges, contributions provided for by state law,  
24 charges for meters and other equipment provided to the customer, and  
25 charges in connection with repair, replacement, or location of customer  
26 facilities.

27 (2)(a) Upon request for a final billing with respect to real  
28 property that is to be sold, a utility operated by a city, town, or  
29 county that provides water, storm water, sewer, garbage, electricity,  
30 or natural gas service to the property shall provide the owner of the  
31 property or the closing agent for the sale with an estimated final  
32 billing under the conditions set forth in this section.

33 (b) If the request for an estimated final billing is received by  
34 the billing office of the utility no less than seven working days  
35 before the closing date stated in the request, the utility shall  
36 provide the estimated final billing no less than one day before the  
37 stated closing date. However, if the request is received less than  
38 seven working days before the stated closing date, the utility shall

1 make reasonable efforts to provide the estimated final billing prior to  
2 the stated closing date.

3 (c) The estimated final billing shall, in addition to stating the  
4 estimated final amount owing as of the date of the stated closing,  
5 state the average per diem rate for the utility or utilities involved,  
6 including taxes and other charges, which shall be applied for up to  
7 seven days beyond the stated date of closing in the event that the  
8 closing date is delayed. If closing is delayed beyond seven days, a  
9 new estimated final billing must be requested. In lieu of furnishing  
10 a revised billing, the utility may extend the number of days for which  
11 the per diem charge may be used.

12 (d) If the utility fails to timely provide the estimated final  
13 billing in response to a request made no less than seven working days  
14 before the stated closing date, the utility shall forfeit the right it  
15 may have to collect from the purchaser outstanding utility charges of  
16 the former owner that were incurred before the stated closing date.

17 (e) If closing occurs no later than the last date for which per  
18 diem charges may be applied, full payment of the amount plus per diem  
19 charges, shall extinguish the lien of the utility provided under RCW  
20 56.16.100 for charges incurred prior to the date of closing.

21 (f) This subsection (2) does not in any manner limit the right of  
22 a utility to obtain recovery from the former owner of the property for  
23 outstanding charges that are in excess of the estimated final billing.  
24 However, if the estimated final billing is in excess of the amount owed  
25 as determined by an actual meter reading, the utility shall refund the  
26 amount to the former owner within seven working days of the actual  
27 reading by sending the refund in the owner's name to the last address  
28 given by the former owner.

29 (g) For the purposes of this section, a "working day" is considered  
30 to be a day that the utility in question is open for business.

31 NEW SECTION. **Sec. 7.** A new section is added to chapter 57.08 RCW  
32 to read as follows:

33 (1) Unless otherwise stated in writing and separately acknowledged  
34 in writing by the purchaser, it is the responsibility of the seller of  
35 a fee interest in a single-family dwelling to satisfy upon closing the  
36 lien provided for by RCW 57.08.080. No person serving as an escrow  
37 agent as defined in RCW 18.44.010(4), including persons authorized in  
38 RCW 18.44.020 to act without a certificate of registration, may refuse

1 a request by the seller or purchaser of a fee interest in a single-  
2 family dwelling to administer the disbursement of closing funds  
3 necessary to satisfy a lien under RCW 57.08.080. If an escrow agent,  
4 as specified above, handles the sale, the escrow agent shall timely  
5 request a final billing under subsection (2) of this section from all  
6 affected utilities, and inform the seller and the purchaser of all  
7 amounts for final estimated billings furnished by those utilities prior  
8 to closing. Final billing shall include all outstanding charges.  
9 "Charges" as used in this subsection includes all lawful charges  
10 assessed by the utility, including but not limited to consumption  
11 charges, connection charges, contributions provided for by state law,  
12 charges for meters and other equipment provided to the customer, and  
13 charges in connection with repair, replacement, or location of customer  
14 facilities.

15 (2)(a) Upon request for a final billing with respect to real  
16 property that is to be sold, a utility operated by a city, town, or  
17 county that provides water, storm water, sewer, garbage, electricity,  
18 or natural gas service to the property shall provide the owner of the  
19 property or the closing agent for the sale with an estimated final  
20 billing under the conditions set forth in this section.

21 (b) If the request for an estimated final billing is received by  
22 the billing office of the utility no less than seven working days  
23 before the closing date stated in the request, the utility shall  
24 provide the estimated final billing no less than one day before the  
25 stated closing date. However, if the request is received less than  
26 seven working days before the stated closing date, the utility shall  
27 make reasonable efforts to provide the estimated final billing prior to  
28 the stated closing date.

29 (c) The estimated final billing shall, in addition to stating the  
30 estimated final amount owing as of the date of the stated closing,  
31 state the average per diem rate for the utility or utilities involved,  
32 including taxes and other charges, which shall be applied for up to  
33 seven days beyond the stated date of closing in the event that the  
34 closing date is delayed. If closing is delayed beyond seven days, a  
35 new estimated final billing must be requested. In lieu of furnishing  
36 a revised billing, the utility may extend the number of days for which  
37 the per diem charge may be used.

38 (d) If the utility fails to timely provide the estimated final  
39 billing in response to a request made no less than seven working days

1 before the stated closing date, the utility shall forfeit the right it  
2 may have to collect from the purchaser outstanding utility charges of  
3 the former owner that were incurred before the stated closing date.

4 (e) If closing occurs no later than the last date for which per  
5 diem charges may be applied, full payment of the amount plus per diem  
6 charges, shall extinguish the lien of the utility provided under RCW  
7 57.08.080 for charges incurred prior to the date of closing.

8 (f) This subsection (2) does not in any manner limit the right of  
9 a utility to obtain recovery from the former owner of the property for  
10 outstanding charges that are in excess of the estimated final billing.  
11 However, if the estimated final billing is in excess of the amount owed  
12 as determined by an actual meter reading, the utility shall refund the  
13 amount to the former owner within seven working days of the actual  
14 reading by sending the refund in the owner's name to the last address  
15 given by the former owner.

16 (g) For the purposes of this section, a "working day" is considered  
17 to be a day that the utility in question is open for business.

18 NEW SECTION. **Sec. 8.** A new section is added to chapter 87.03 RCW  
19 to read as follows:

20 (1) Unless otherwise stated in writing and separately acknowledged  
21 in writing by the purchaser, it is the responsibility of the seller of  
22 a fee interest in a single-family dwelling to satisfy upon closing the  
23 lien provided for by RCW 87.03.445. No person serving as an escrow  
24 agent as defined in RCW 18.44.010(4), including persons authorized in  
25 RCW 18.44.020 to act without a certificate of registration, may refuse  
26 a request by the seller or purchaser of a fee interest in a single-  
27 family dwelling to administer the disbursement of closing funds  
28 necessary to satisfy a lien under RCW 87.03.445. If an escrow agent,  
29 as specified above, handles the sale, the escrow agent shall timely  
30 request a final billing under subsection (2) of this section from all  
31 affected utilities, and inform the seller and the purchaser of all  
32 amounts for final estimated billings furnished by those utilities prior  
33 to closing. Final billing shall include all outstanding charges.  
34 "Charges" as used in this subsection includes all lawful charges  
35 assessed by the utility, including but not limited to consumption  
36 charges, connection charges, contributions provided for by state law,  
37 charges for meters and other equipment provided to the customer, and

1 charges in connection with repair, replacement, or location of customer  
2 facilities.

3 (2)(a) Upon request for a final billing with respect to real  
4 property that is to be sold, a utility operated by a city, town, or  
5 county that provides water, storm water, sewer, garbage, electricity,  
6 or natural gas service to the property shall provide the owner of the  
7 property or the closing agent for the sale with an estimated final  
8 billing under the conditions set forth in this section.

9 (b) If the request for an estimated final billing is received by  
10 the billing office of the utility no less than seven working days  
11 before the closing date stated in the request, the utility shall  
12 provide the estimated final billing no less than one day before the  
13 stated closing date. However, if the request is received less than  
14 seven working days before the stated closing date, the utility shall  
15 make reasonable efforts to provide the estimated final billing prior to  
16 the stated closing date.

17 (c) The estimated final billing shall, in addition to stating the  
18 estimated final amount owing as of the date of the stated closing,  
19 state the average per diem rate for the utility or utilities involved,  
20 including taxes and other charges, which shall be applied for up to  
21 seven days beyond the stated date of closing in the event that the  
22 closing date is delayed. If closing is delayed beyond seven days, a  
23 new estimated final billing must be requested. In lieu of furnishing  
24 a revised billing, the utility may extend the number of days for which  
25 the per diem charge may be used.

26 (d) If the utility fails to timely provide the estimated final  
27 billing in response to a request made no less than seven working days  
28 before the stated closing date, the utility shall forfeit the right it  
29 may have to collect from the purchaser outstanding utility charges of  
30 the former owner that were incurred before the stated closing date.

31 (e) If closing occurs no later than the last date for which per  
32 diem charges may be applied, full payment of the amount plus per diem  
33 charges, shall extinguish the lien of the utility provided under RCW  
34 87.03.445 for charges incurred prior to the date of closing.

35 (f) This subsection (2) does not in any manner limit the right of  
36 a utility to obtain recovery from the former owner of the property for  
37 outstanding charges that are in excess of the estimated final billing.  
38 However, if the estimated final billing is in excess of the amount owed  
39 as determined by an actual meter reading, the utility shall refund the

1 amount to the former owner within seven working days of the actual  
2 reading by sending the refund in the owner's name to the last address  
3 given by the former owner.

4 (g) For the purposes of this section, a "working day" is considered  
5 to be a day that the utility in question is open for business.

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