
SENATE BILL 5016

State of Washington

53rd Legislature

1993 Regular Session

By Senators Nelson and Amondson

Read first time 01/11/93. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to payment responsibility for utility service;
2 amending RCW 35.21.290, 35.67.200, 36.94.150, 56.16.100, and 57.08.080;
3 reenacting and amending RCW 80.28.010; and adding a new section to
4 chapter 54.16 RCW.

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

6 **Sec. 1.** RCW 35.21.290 and 1965 c 7 s 35.21.290 are each amended to
7 read as follows:

8 Cities and towns owning their own waterworks, or electric light or
9 power plants shall have a lien against the premises to which water,
10 electric light, or power services were furnished for four months
11 charges therefor due or to become due, but not for any charges more
12 than four months past due: PROVIDED, That the owner of the premises or
13 the owner of a delinquent mortgage thereon may give written notice to
14 the superintendent or other head of such works or plant to cut off
15 service to such premises accompanied by payment or tender of payment of
16 the then delinquent and unpaid charges for such service against the
17 premises together with the cut-off charge, whereupon the city or town
18 shall have no lien against the premises for charges for such service

1 thereafter furnished, nor shall the owner of the premises or the owner
2 of a delinquent mortgage thereon be held for the payment thereof.

3 All charges made for utility services shall be charged to the
4 customer requesting the service. In cases where the service is
5 provided to a tenant, collection of charges shall be made from that
6 individual or individuals, and liens against the property of the
7 landlord for such service are prohibited. A city or town may not
8 refuse to provide service to a residential customer who is a tenant
9 based on the nonpayment for services by the prior customer. The city
10 or town may refuse to provide service if the prior nonpaying customer
11 continues to reside in the premises.

12 **Sec. 2.** RCW 35.67.200 and 1991 c 36 s 2 are each amended to read
13 as follows:

14 Cities and towns owning their own sewer systems shall have a lien
15 for delinquent and unpaid rates and charges for sewer service,
16 penalties levied pursuant to RCW 35.67.190, and connection charges,
17 including interest thereon, against the premises to which such service
18 has been furnished or is available, which lien shall be superior to all
19 other liens and encumbrances except general taxes and local and special
20 assessments. The city or town by ordinance may provide that delinquent
21 charges shall bear interest at not exceeding eight percent per annum
22 computed on a monthly basis: PROVIDED, That a city or town using the
23 property tax system for utility billing may, by resolution or
24 ordinance, adopt the alternative lien procedure as set forth in RCW
25 35.67.215.

26 All charges made for utility services shall be charged to the
27 customer requesting the service. In cases where the service is
28 provided to a tenant, collection of charges shall be made from that
29 individual or individuals, and liens against the property of the
30 landlord for such service are prohibited. A city or town may not
31 refuse to provide service to a residential customer who is a tenant
32 based on the nonpayment for services by the prior customer. The city
33 or town may refuse to provide service if the prior nonpaying customer
34 continues to reside in the premises.

35 **Sec. 3.** RCW 36.94.150 and 1975 1st ex.s. c 188 s 3 are each
36 amended to read as follows:

1 All counties operating a system of sewerage and/or water shall have
2 a lien for delinquent connection charges and charges for the
3 availability of sewerage and/or water service, together with interest
4 fixed by resolution at eight percent per annum from the date due until
5 paid. Penalties of not more than ten percent of the amount due may be
6 imposed in case of failure to pay the charges at times fixed by
7 resolution. The lien shall be for all charges, interest, and penalties
8 and shall attach to the premises to which the services were available.
9 The lien shall be superior to all other liens and encumbrances, except
10 general taxes and local and special assessments of the county.

11 The county department established in RCW 36.94.120 shall certify
12 periodically the delinquencies to the treasurer of the county at which
13 time the lien shall attach.

14 Upon the expiration of sixty days after the attachment of the lien,
15 the county may bring suit in foreclosure by civil action in the
16 superior court of the county where the property is located. In
17 addition to the costs and disbursements provided by statute, the court
18 may allow the county a reasonable attorney's fee. The lien shall be
19 foreclosed in the same manner as the foreclosure of real property tax
20 liens.

21 All charges made for utility services shall be charged to the
22 customer requesting the service. In cases where the service is
23 provided to a tenant, collection of charges shall be made from that
24 individual or individuals, and liens against the property of the
25 landlord for such service are prohibited. A county may not refuse to
26 provide service to a residential customer who is a tenant based on the
27 nonpayment for services by the prior customer. The county may refuse
28 to provide service if the prior nonpaying customer continues to reside
29 in the premises.

30 NEW SECTION. Sec. 4. A new section is added to chapter 54.16 RCW
31 to read as follows:

32 All charges made for utility services shall be charged to the
33 customer requesting the service. In cases where the service is
34 provided to a tenant, collection of charges shall be made from that
35 individual or individuals, and liens against the property of the
36 landlord for such service are prohibited. A district may not refuse to
37 provide service to a residential customer who is a tenant based on the
38 nonpayment for services by the prior customer. The district may refuse

1 to provide service if the prior nonpaying customer continues to reside
2 in the premises.

3 **Sec. 5.** RCW 56.16.100 and 1977 ex.s. c 300 s 6 are each amended to
4 read as follows:

5 The commissioners shall enforce collection of the sewer connection
6 charges and sewerage disposal service charges against property to which
7 and its owners to whom the service is available, such charges being
8 deemed charges against the property to which the service is available,
9 by addition of penalties of not more than ten percent thereof in case
10 of failure to pay the charges at times fixed by resolution. The
11 commissioners may provide by resolution that where either sewer
12 connection charges or sewer service charges are delinquent for any
13 specified period of time, the district shall certify the delinquencies
14 to the treasurer of the county in which the real property is located,
15 and the charges and any penalties added thereto and interest thereon at
16 the rate fixed by resolution, shall be a lien against the property to
17 which the service was available, subject only to the lien for general
18 taxes.

19 All charges made for utility services shall be charged to the
20 customer requesting the service. In cases where the service is
21 provided to a tenant, collection of charges shall be made from that
22 individual or individuals, and liens against the property of the
23 landlord for such service are prohibited. A district may not refuse to
24 provide service to a residential customer who is a tenant based on the
25 nonpayment for services by the prior customer. The district may refuse
26 to provide service if the prior nonpaying customer continues to reside
27 in the premises.

28 **Sec. 6.** RCW 57.08.080 and 1982 1st ex.s. c 17 s 12 are each
29 amended to read as follows:

30 The commissioners shall enforce collection of the water connection
31 charges and rates and charges for water supplied against property
32 owners connecting with the system and/or receiving such water, such
33 charges being deemed charges against the property served, by addition
34 of penalties of not more than ten percent thereof in case of failure to
35 pay the charges at times fixed by resolution. The commissioners may
36 provide by resolution that where either water connection charges or
37 rates and charges for water supplied are delinquent for any specified

1 period of time, the district shall certify the delinquencies to the
2 treasurer of the county in which the real property is located, and the
3 charges and any penalties added thereto and interest thereon at the
4 rate of not more than eight percent per year shall be a lien against
5 the property upon which the service was received, subject only to the
6 lien for general taxes.

7 All charges made for utility services shall be charged to the
8 customer requesting the service. In cases where the service is
9 provided to a tenant, collection of charges shall be made from that
10 individual or individuals, and liens against the property of the
11 landlord for such service are prohibited. A district may not refuse to
12 provide service to a residential customer who is a tenant based on the
13 nonpayment for services by the prior customer. The district may refuse
14 to provide service if the prior nonpaying customer continues to reside
15 in the premises.

16 **Sec. 7.** RCW 80.28.010 and 1991 c 347 s 22 and 1991 c 165 s 4 are
17 each reenacted and amended to read as follows:

18 (1) All charges made, demanded or received by any gas company,
19 electrical company or water company for gas, electricity or water, or
20 for any service rendered or to be rendered in connection therewith,
21 shall be just, fair, reasonable and sufficient. To meet the
22 requirements of this subsection, all charges made shall be to the
23 customer requesting the service. In cases where the service is
24 provided to a tenant, collection of charges shall be made from that
25 individual or individuals, and liens against the property of the
26 landlord for such service are prohibited.

27 (2) Every gas company, electrical company and water company shall
28 furnish and supply such service, instrumentalities and facilities as
29 shall be safe, adequate and efficient, and in all respects just and
30 reasonable.

31 (3) All rules and regulations issued by any gas company, electrical
32 company or water company, affecting or pertaining to the sale or
33 distribution of its product, shall be just and reasonable.

34 (4) Utility service for residential space heating shall not be
35 terminated between November 15 through March 15 if the customer:

36 (a) Notifies the utility of the inability to pay the bill,
37 including a security deposit. This notice should be provided within
38 five business days of receiving a payment overdue notice unless there

1 are extenuating circumstances. If the customer fails to notify the
2 utility within five business days and service is terminated, the
3 customer can, by paying reconnection charges, if any, and fulfilling
4 the requirements of this section, receive the protections of this
5 chapter;

6 (b) Provides self-certification of household income for the prior
7 twelve months to a grantee of the department of community development
8 which administers federally funded energy assistance programs. The
9 grantee shall determine that the household income does not exceed the
10 maximum allowed for eligibility under the state's plan for low-income
11 energy assistance under 42 U.S.C. 8624 and shall provide a dollar
12 figure that is seven percent of household income. The grantee may
13 verify information provided in the self-certification;

14 (c) Has applied for home heating assistance from applicable
15 government and private sector organizations and certifies that any
16 assistance received will be applied to the current bill and future
17 utility bills;

18 (d) Has applied for low-income weatherization assistance to the
19 utility or other appropriate agency if such assistance is available for
20 the dwelling;

21 (e) Agrees to a payment plan and agrees to maintain the payment
22 plan. The plan will be designed both to pay the past due bill by the
23 following October 15 and to pay for continued utility service. If the
24 past due bill is not paid by the following October 15, the customer
25 shall not be eligible for protections under this chapter until the past
26 due bill is paid. The plan shall not require monthly payments in
27 excess of seven percent of the customer's monthly income plus one-
28 twelfth of any arrearage accrued from the date application is made and
29 thereafter during November 15 through March 15. A customer may agree
30 to pay a higher percentage during this period, but shall not be in
31 default unless payment during this period is less than seven percent of
32 monthly income plus one-twelfth of any arrearage accrued from the date
33 application is made and thereafter. If assistance payments are
34 received by the customer subsequent to implementation of the plan, the
35 customer shall contact the utility to reformulate the plan; and

36 (f) Agrees to pay the moneys owed even if he or she moves.

37 (5) The utility shall:

1 (a) Include in any notice that an account is delinquent and that
2 service may be subject to termination, a description of the customer's
3 duties in this section;

4 (b) Assist the customer in fulfilling the requirements under this
5 section;

6 (c) Be authorized to transfer an account to a new residence when a
7 customer who has established a plan under this section moves from one
8 residence to another within the same utility service area;

9 (d) Be permitted to disconnect service if the customer fails to
10 honor the payment program. Utilities may continue to disconnect
11 service for those practices authorized by law other than for nonpayment
12 as provided for in this subsection. Customers who qualify for payment
13 plans under this section who default on their payment plans and are
14 disconnected can be reconnected and maintain the protections afforded
15 under this chapter by paying reconnection charges, if any, and by
16 paying all amounts that would have been due and owing under the terms
17 of the applicable payment plan, absent default, on the date on which
18 service is reconnected; and

19 (e) Advise the customer in writing at the time it disconnects
20 service that it will restore service if the customer contacts the
21 utility and fulfills the other requirements of this section.

22 (6) A payment plan implemented under this section (~~(is)~~) shall be
23 consistent with RCW 80.28.080.

24 (7) Every gas company and electrical company shall offer
25 residential customers the option of a budget billing or equal payment
26 plan. The budget billing or equal payment plan shall be offered low-
27 income customers eligible under the state's plan for low-income energy
28 assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without
29 limiting availability to certain months of the year, without regard to
30 the length of time the customer has occupied the premises, and without
31 regard to whether the customer is the tenant or owner of the premises
32 occupied.

33 (8) A gas company, electrical company, or water company may not
34 refuse to provide service to a residential customer who is a tenant
35 based on the nonpayment for services by the prior customer. The
36 company may refuse to provide service if the prior nonpaying customer
37 continues to reside in the premises.

38 (9) Every gas company, electrical company and water company shall
39 construct and maintain such facilities in connection with the

1 manufacture and distribution of its product as will be efficient and
2 safe to its employees and the public.

3 (~~(9)~~) (10) An agreement between the customer and the utility,
4 whether oral or written, shall not waive the protections afforded under
5 this chapter.

6 (~~(10)~~) (11) In establishing rates or charges for water service,
7 water companies as defined in RCW 80.04.010 may consider the
8 achievement of water conservation goals and the discouragement of
9 wasteful water use practices.

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