

The House Committee on Energy, Utilities and Telecommunications offers the following substitute to HB 465:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities and
2 public transportation, so as to enact the "Georgia Water Customer Bill of Rights Act"; to
3 provide for legislative intent; to provide for definitions; to provide for customer service
4 standards and disclosures; to provide for requirements regarding billing and other mistakes
5 and errors; to provide for refunds and credits; to provide for administrative and civil
6 remedies; to provide for related matters; to provide for an effective date; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
11 transportation, is amended by revising Chapter 10, which was previously reserved, as
12 follows:

13 style="text-align:center">"CHAPTER 10

14 46-10-1.

15 This chapter shall be known and may be cited as the 'Georgia Water Customer Bill of
16 Rights Act.' ~~Reserved.~~

17 46-10-2.

18 The General Assembly finds that it is in the public interest to provide a water and sewer
19 customer bill of rights to ensure that customers receive water and sewer services on
20 reasonable terms that reflect accurate rates and fees from community water systems. The
21 intent of this chapter is to ensure that all customers of water and sewer services:

22 (1) Have access to reliable, safe, and affordable water service, including high-quality
23 customer service;

- 24 (2) Have the right to receive information about community water systems' services,
 25 plans, terms and conditions, and rights and remedies. Such information shall be accurate
 26 and understandable in a written form that facilitates comprehension of rates, fees, and
 27 terms of service;
- 28 (3) Receive the benefits of new services, technological advancements, and improved
 29 efficiency;
- 30 (4) Enjoy the protection of reasonable and uniformly applied standards that protect
 31 customers in matters involving deposit and credit requirements, service denials, and
 32 service terminations;
- 33 (5) Are protected from unreasonable practices, billing terms, and conditions of service;
- 34 (6) Receive accurate and timely bills;
- 35 (7) Are protected from arbitrary administrative fees; and
- 36 (8) Have the right to a fair and efficient process for resolving disputes with community
 37 water systems.

38 46-10-3.

39 As used in this chapter, the term:

- 40 (1) 'Bill' means any bill, invoice, or other request for payment issued by a community
 41 water system to a customer.
- 42 (2) 'Community water system' means either a public or private system:
- 43 (A) That provides water for human consumption through pipes or other constructed
 44 conveyances, where such system has at least 15 service connections or regularly serves
 45 at least 25 customers. Such term shall include collection, pretreatment, treatment,
 46 storage, and distribution facilities under the control of the operator of such system and
 47 used primarily in connection with such system; or
- 48 (B) Composed of pipes or other constructed sewerage for the collection and processing
 49 of sewage that has at least 15 service connections or regularly serves at least 25
 50 customers. Such term shall include collection, pretreatment, treatment, storage, and
 51 distribution facilities under the control of the operator of such system and used
 52 primarily in connection with such system.
- 53 (3) 'Customer' means an individual user who pays for and receives water service, sewer
 54 service, or both water service and sewer service from a community water system.
- 55 (4) 'Public community water system' means a community water system owned and
 56 operated by a municipality, county, consolidated government, or public authority.
- 57 (5) 'Reasonable payment arrangement' means a payment plan offered by a community
 58 water system that allows a customer to pay past due amounts over an extended period of

59 time that would not ordinarily be available to the customer under its agreement with the
60 community water system.

61 46-10-4.

62 (a) A community water system shall:

63 (1) Allow customers to terminate service agreements as provided for in such agreements
64 in writing, in person, or electronically by contacting the community water system;

65 (2) Issue bills within 30 days of meter readings where applicable;

66 (3) Ensure that each customer receives a bill at least quarterly;

67 (4) Not impose any security deposit in excess of \$175.00 for water service and \$175.00
68 for sewer service for single-family residential customers, unless a customer has a history
69 of delinquent payments, in which case a security deposit of up to \$300.00 may be
70 imposed for both water service and sewer service. These security deposits may be
71 increased annually according to the Consumer Price Index for all urban consumers, U.S.
72 City Average, all items 1967-100, or a successor index as reported by the Bureau of
73 Labor Statistics of the United States Department of Labor;

74 (5) Not impose any late fee in excess of the greater of \$10.00 or 15 percent of any past
75 due balance until three days after such balance is due; and

76 (6) Not impose any punitive fee or penalty in excess of \$75.00, except where a customer
77 tampers with a meter, fails to comply with drought restrictions, or engages in other
78 substantial violations of the community water system's policies or customer agreement.

79 (b) In addition to the protections afforded by Code Section 36-60-17 and except as may
80 be necessitated by repairs, force majeure, the customer's failure to comply with drought
81 restrictions or other such acts, or public health, safety, or welfare, a community water
82 system shall not disconnect service to a customer unless such customer fails to pay for
83 service from the community water system and shall not disconnect a customer's service for
84 nonpayment of a bill that was not sent to the customer in a timely manner due to the
85 community water system's negligence as required by paragraph (2) of subsection (a) of this
86 Code section.

87 (c) At least twice in any five-year period, a community water system shall offer a
88 reasonable payment arrangement to a customer prior to disconnecting such customer's
89 service due to a failure to make a payment on a bill.

90 (d) In the event that a customer fails to make a payment on a bill, a community water
91 system shall not terminate service to a customer less than five days after providing a
92 separate written notice or a clear notice on a bill to the customer that service will be
93 terminated.

94 46-10-5.

95 (a) Each community water system shall provide to its customers upon request and shall
96 maintain on a publicly accessible website or otherwise make publicly available the
97 following information:

98 (1) The process by which rates are determined;

99 (2) The billing interval or intervals utilized by the community water system;

100 (3) The amount of all fees, including fees for delinquent payments, cancellation of
101 service, and reconnecting to the system, charged by the community water system in
102 addition to service rates;

103 (4) Contact information including, at a minimum, the addresses of all business offices
104 of the community water system, a website, a phone number during business hours, and
105 a phone number during nonbusiness hours for emergency purposes only;

106 (5) Notice of the customer's right to receive from the community water system notice of
107 termination of service at least five days prior to such termination; and

108 (6) A statement that customer security deposits shall not exceed the amount set forth in
109 paragraph (6) of subsection (a) of Code Section 46-10-4.

110 (b) All bills issued by a community water system to a customer for services rendered shall
111 include, at a minimum, the following information:

112 (1) The customer's name, billing address, service address, and account number;

113 (2) Dates of service for which the customer is being charged, an itemization of all
114 charges, and the due date for payment; and

115 (3) Beginning and ending meter reading data and rates.

116 46-10-6.

117 (a) A community water system that has made a determination of an error or mistake in
118 billing for services on the part of such system shall notify the customer within 30 days and
119 correct the error within 90 days of such determination. Upon a failure of a community
120 water system to so correct an error and upon the filing of an action by a customer pursuant
121 to Code Section 46-10-7, the community water system shall have the burden of proving by
122 a preponderance of the evidence that the community water system did not act with gross
123 negligence. During any time period in which an appeal or action is pending pursuant to
124 Code Section 46-10-7, the community water system shall not impose a late fee or penalty
125 on any disputed amount nor initiate any action to terminate the customer's service or collect
126 on any past due balance, if the disputed amount constitutes the total amount of the past due
127 balance. However, the pendency of an appeal or action shall not otherwise suspend a
128 customer's obligation to pay for services rendered.

129 (b) In the event that a billing error results in an overpayment by a customer, the
130 community water system shall within 45 days after resolution of the error provide to the
131 customer either:

132 (1) A credit to the customer's account equal to the amount of the overpayment by the
133 customer; or

134 (2) A cash or check refund to the customer equal to the amount of the overpayment by
135 the customer.

136 (c) A community water system shall not require a customer to which it owes a credit or
137 refund pursuant to subsection (b) of this Code section to submit a written request for such
138 credit or refund as a precondition to the community water system complying with the
139 provisions of subsection (b) of this Code section.

140 46-10-7.

141 (a) Except as otherwise provided in subsection (b) of this Code section, a customer shall
142 be authorized to bring an action for a declaratory judgment, civil damages, or punitive
143 damages in the superior court of the county in which any portion of the community water
144 system is located in order for such court to determine whether the community water system
145 has failed to comply with any of the requirements provided in this chapter other than the
146 requirements provided in Code Section 46-10-2. Such action shall be brought within the
147 calendar year immediately following the calendar year in which the alleged failure to
148 comply occurs. If the court determines that the community water system failed to comply
149 with the requirements provided in this chapter, such court shall be authorized to enter an
150 order requiring the community water system to remedy such failure within a time period
151 determined by the court and to award any reasonable damages incurred by the customer as
152 a result of such failure. In the event of a showing of gross negligence on the part of the
153 community water system, the court may award the customer court costs and punitive
154 damages not to exceed \$500.00 per action filed. Parties to such an action shall retain their
155 rights under Code Section 9-15-14. No action filed pursuant to this subsection shall be
156 filed as a class action.

157 (b) Prior to filing an action pursuant to subsection (a) of this Code section, a customer of
158 a public community water system shall make application to the public community water
159 system for an appeal of the customer's grievance or grievances pursuant to procedures
160 adopted by the public community water system. Any such procedures shall result in a final
161 decision on each appeal within no more than six months of the customer's application.
162 Upon the conclusion of such appeal, or upon the failure of the public community water
163 system to timely conduct such appeal, the customer may file an action pursuant to
164 subsection (a) of this Code section."

165 **SECTION 2.**

166 This Act shall become effective on July 1, 2021.

167 **SECTION 3.**

168 All laws and parts of laws in conflict with this Act are repealed.