SENATE BILL 147

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO MUNICIPAL UTILITIES; AMENDING THE MUNICIPAL CODE TO CLARIFY THE LIABILITY OF OWNERS FOR UTILITY SERVICE INCURRED BY A RENTER; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-23-6 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-22-6, as amended) is amended to read:

"3-23-6. CHARGE FOR SERVICE OF MUNICIPAL UTILITY BECOMES A LIEN AGAINST THE PROPERTY SERVED--EXCEPTION.--

A. Any charge imposed by ordinance for service rendered by a municipal utility, except as indicated in Subsection C of this section, shall be:

(1) payable by the owner, personally, at the time the charge accrues and becomes due; and

(2) a lien upon the tract or parcel of land

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1   being served from such time.

2   B.   The lien shall be enforced in the manner

3   provided in Sections 3-36-1 through 3-36-5 NMSA 1978. In any

4   proceedings where pleadings are required, it shall be

5   sufficient to declare generally for the municipal utility

6   service. Notice of the lien shall be filed in the manner

7   provided in Section 3-36-1 NMSA 1978, and the effect of such

8   filing shall be governed by Section 3-36-2 NMSA 1978.

9   C.   Subsection A of this section shall not apply if

10   an owner notifies the municipality that utility charges [which]

11   that may be incurred by a renter will not be the responsibility

12   of the owner. [Such] The notification shall be given in

13   writing prior to the initiation of the debt and shall include

14   the location of the rental property. Upon the notification,

15   the owner shall not be liable for utility service provided to

16   the rental property whether or not the renter actually pays for

17   the service and whether or not the municipal utility receives

18   notice that the renter has vacated the premises."

19   Section 2. EMERGENCY.--It is necessary for the public

20   peace, health and safety that this act take effect immediately.

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