

HOUSE BILL 104

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 5, Chapter 16; Title 6; Title 7, Chapter 34; Title 7, Chapter 35; Title 9, Chapter 21 and Title 68, Chapter 221 relative to sewer systems.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 221, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 68-221-1\_\_.

(a) If any incorporated city or town; county; metropolitan or consolidated government; special district; or water and wastewater treatment authority, created pursuant to part 6 or part 13 of this chapter, owns a sanitary sewer that:

- (1) Such entity installed or contracted with another to install; or
- (2) Was conveyed to such entity after installation;

then such entity shall maintain the sanitary sewer and building service, including couplings and fittings thereto, to which the building lateral sewer of a residential or commercial customer is connected. In no event shall a residential or commercial customer be responsible for maintaining that portion of any lateral or connection that is located beyond the property line of such customer.

(b) For the purposes of this section, unless the context otherwise requires:

(1) "Building lateral sewer" means a gravity-flow pipeline connecting a building wastewater collection system to a building service. "Building lateral sewer" is also called a "house connection" or a "service connection"; and

(2) "Building service" means a saddle or "Y" connection to a lateral or branch sewer for connection of a building sewer also called a "building lateral sewer."

(c) An entity subject to subsection (a) is liable upon a showing of negligence for any damage incurred by such residential or commercial customers that is caused by damage to or failure of such sanitary sewer or building service, including couplings and fittings thereto.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.