

HOUSE BILL 1144

By Lynn

AN ACT to amend Tennessee Code Annotated, Title 10,
Chapter 7, Part 5 and Title 68, Chapter 221,
relative to waste water authorities.

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

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a)(1), is amended by adding the following as a new subdivision:

(l) Nothing in this subdivision (a)(15) shall prevent a water company from providing a sewer authority created under the Water and Wastewater Treatment Authority Act, compiled in § 68-221-601 et seq., with information about a water customer's home and work addresses, telephone numbers, age, checking account, social security number, and any other information that could reasonably be used to locate a person or to collect delinquent debts.

SECTION 2. Tennessee Code Annotated, Section 68-221-209(a)(4), is amended by deleting the subdivision and substituting the following:

(4) Proceed to recover the amount of any delinquent charges owed by any owner, tenant, or occupant, plus interest at the maximum legal rate, in an action ex contractu. The authority may collect delinquent or past due sewer charges from the current owner for debts incurred by a tenant or a former owner only after providing the current owner a thirty-day notice of the delinquent sewer charges. The authority may only collect twelve (12) months of unpaid sewer charges from a current owner for the unpaid sewer charges of a former owner or tenant;

(5) All sewer authorities created under the Water and Wastewater Treatment Authority Act, compiled in § 68-221-601 et seq., shall have the authority to inspect all

private service laterals within the authority's service area, as needed. The sewer authority may shut off water or sewer services if access to inspection is denied; and

(6) All sewer authorities created under the Water and Wastewater Treatment Authority Act, compiled in § 68-221-601 et seq., may require customers who have service laterals in violation of authority standards to make such repairs within sixty (60) days at a property owner or customer's expense.

SECTION 3. Tennessee Code Annotated, Section 68-221-605, is amended by adding the following as a new subsection:

(f) All board members of a sewer authority created under the Water and Wastewater Treatment Authority Act, compiled in § 68-221-601 et seq., are exempt from the education requirements in § 7-82-308 (f)(1).

SECTION 4. Tennessee Code Annotated, Section 68-221-605(e)(4), is amended by deleting the subdivision and substituting the following:

(4) Commissioners shall receive compensation of not more than one thousand dollars (\$1,000) per month for board members and one thousand five hundred (\$1,500) per month for the board chairman.

SECTION 5. Tennessee Code Annotated, Section 68-221-605(e)(5), is amended by deleting the period at the end of the subdivision and adding the language “; nor shall this part be construed as granting a private right of action in regard to such functions.”.

SECTION 6. Tennessee Code Annotated, Section 68-221-607(a)(16), is amended by designating the existing language as subdivision (A) and adding the following as a new subdivision B):

(B) All customers and potential customers with any claims or causes of action relating to sewer service, construction claims, any challenge as to any rate, fee, or charge, or any regulation by the sewer authority shall file the claims with the local sewer authority's administrative procedures within six (6) months of the date the claim accrues. Once a customer or potential customer has exhausted the local sewer authority's administrative procedures, then the customer or potential customer may appeal the

claim within thirty (30) days of the date that the local sewer authority renders its final decision to the chancery court in the county in which the largest portion of the authority's territorial jurisdiction is located. Under no circumstances are any class action lawsuits authorized or permitted against an entity created under this chapter.

SECTION 7. Tennessee Code Annotated, Section 68-221-608(c)(2)(A)(ii), is amended by deleting the subdivision and substituting the following:

(ii) To discontinue water service to sewer users who:

(a) Fail or refuse to comply with sewer authority regulations;

(b) Fail to pay sewer service charges;

(c) Fail to pay penalties or other fees; or

(d) Fail to properly comply with the sewer authority's requirements for a financial deposit;

SECTION 8. Tennessee Code Annotated, Section 68-221-608(c)(2)(A), is further amended by adding the following language as a new subdivision:

(v) To impose penalties and fines upon customers who violate authority regulations in an amount not to exceed five (5) times the authority cost incurred by the utility. The penalty or fine may be based on the typical or average cost to the utility for the violation. A utility cost may include, but is not limited to, regular fees or charges to customers, treatment costs, repairs, compliance with state and federal agencies, attorneys' fees, and staff time.

SECTION 9. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.