



January 21, 2014

HOUSE BILL No. 1334

DIGEST OF HB 1334 (Updated January 21, 2014 11:45 am - DI 84)

Citations Affected: IC 8-1; IC 36-9.

Synopsis: Private fire extinguishing resources. Provides that before causing a private fire extinguishing resource to be installed on the premises of a building, the owner shall provide advance written notice of the proposed installation to the water utility providing water service to the building. Provides that the notice must be hand delivered or sent by verified mail at least seven days before the date of the proposed installation. Provides that with respect to a building served by a private fire extinguishing resource installed before March 28, 2014, the owner shall provide written notice of the fact to the water utility providing water service to the building. Provides that the notice must be hand delivered or sent by verified mail not later than July 1, 2014. Provides that before terminating water service for: (1) nonpayment of outstanding fees or charges; or (2) another reason not related to an emergency; to a building served by a private fire extinguishing resource, a water utility shall provide advance written notice of the termination to the local fire department. Provides that the notice must be hand delivered or sent by verified mail at least seven days before the date of the proposed termination. Provides that if a water utility receives notice from a municipal sewer utility to discontinue water service to a building served by a private fire extinguishing resource: (1)

(Continued next page)

Effective: Upon passage.

Frye R

January 15, 2014, read first time and referred to Committee on Veterans Affairs and Public Safety.
January 21, 2014, reported — Do Pass.

HB 1334—LS 7121/DI 101



Digest Continued

the water utility, upon receipt of the notice, shall provide to the sewer utility ordering the termination a copy of the required notice provided to the local fire department; and (2) the 30 day statutory period by which the water utility must terminate the water service is tolled until after the date of the proposed termination set forth in the notice to the fire department. Provides that before terminating water service for: (1) nonpayment of outstanding fees or charges; or (2) another reason not related to an emergency; to a multitenant residential building, a water utility shall provide advance written notice of the proposed termination to the appropriate local board of health. Provides that the notice must be hand delivered or sent by verified mail at least seven days before the date of the proposed termination.

HB 1334—LS 7121/DI 101



January 21, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in *this style type*, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1334

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-1-32.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]:
4 **Chapter 32.1. Notice of Service Termination by Water Utilities**
5 **Sec. 1. (a) As used in this chapter, "building" refers to a Class**
6 **1 structure (as defined in IC 22-12-1-4).**
7 **(b) The term includes two (2) or more Class 1 structures that**
8 **are:**
9 **(1) located at a single site; and**
10 **(2) under common ownership.**
11 **(c) The term includes a multitenant residential building.**
12 **Sec. 2. As used in this chapter, "local fire department" means:**
13 **(1) a paid fire department;**
14 **(2) a volunteer fire department; or**
15 **(3) a fire department employing both full-time paid members**

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1 and volunteer members;
2 that has jurisdiction in the area where a building is located.

3 Sec. 3. (a) As used in this chapter, "multitenant residential
4 building" means any building containing at least three (3)
5 residential units.

6 (b) The term includes an apartment building or a condominium.

7 (c) The term does not include a hotel, motel, or other similar
8 transient lodging.

9 Sec. 4. (a) As used in this chapter, "private fire extinguishing
10 resource" means a source of water that is used in fire extinguishing
11 and suppression and that:

12 (1) is located on the premises of a building; and

13 (2) is privately owned or not otherwise provided by a political
14 subdivision or by a department or agency of a political
15 subdivision.

16 (b) The term includes a privately owned fire hydrant.

17 Sec. 5. As used in this chapter, "owner" refers to the owner of
18 a building.

19 Sec. 6. As used in this chapter, "verified mail" means any
20 method of mailing that:

21 (1) is offered by the United States Postal Service or a private
22 delivery service; and

23 (2) provides evidence of mailing.

24 Sec. 7. As used in this chapter, "water utility" means:

25 (1) a public utility (as defined in IC 8-1-2-1(a));

26 (2) a municipally owned utility (as defined in IC 8-1-2-1(h));

27 (3) a not-for-profit utility (as defined in IC 8-1-2-125(a));

28 (4) a cooperatively owned corporation;

29 (5) a conservancy district established under IC 14-33; or

30 (6) a regional water district established under IC 13-26;

31 that provides water service to the public in Indiana for a fee,
32 regardless of whether the entity described in subdivisions (1)
33 through (6) is under the jurisdiction of the commission.

34 Sec. 8. (a) Before causing a private fire extinguishing resource
35 to be installed on the premises of a building, the owner shall
36 provide advance written notice of the proposed installation to the
37 water utility providing water service to the building. The notice
38 required by this section must:

39 (1) include:

40 (A) the owner's name;

41 (B) a telephone number, an address, and, if available, an
42 electronic mail address at which the owner may be



- 1 **contacted concerning:**
 2 **(i) the installation; or**
 3 **(ii) water service to each building to be served by the**
 4 **private fire extinguishing resource;**
 5 **(C) the address of the building or buildings to be served by**
 6 **the private fire extinguishing resource; and**
 7 **(D) the date of the proposed installation for each building**
 8 **to be served by the private fire extinguishing resource; and**
 9 **(2) be:**
 10 **(A) hand delivered at least seven (7) days before the date**
 11 **of the proposed installation; or**
 12 **(B) sent by verified mail in a mailing that is postmarked or**
 13 **time stamped at least seven (7) days before the date of the**
 14 **proposed installation;**
 15 **to the appropriate business address of the water utility.**
 16 **(b) If, at any time before or after the installation, any**
 17 **information contained in a notice provided under subsection (a)**
 18 **changes or becomes inaccurate, the owner promptly shall deliver**
 19 **or send to the appropriate water utility, in a manner specified by**
 20 **subsection (a)(2), a written notice of the change.**
 21 **Sec. 9. (a) This section applies to the owner of a building that is**
 22 **served by a private fire extinguishing resource installed before**
 23 **March 28, 2014.**
 24 **(b) An owner to which this section applies shall provide written**
 25 **notice of the fact that the owner's building is served by an onsite**
 26 **fire suppression system to the water utility providing water service**
 27 **to the building. The notice required by this section must:**
 28 **(1) include:**
 29 **(A) the owner's name;**
 30 **(B) a telephone number, an address, and, if available, an**
 31 **electronic mail address at which the owner may be**
 32 **contacted concerning water service to each building served**
 33 **by the private fire extinguishing resource;**
 34 **(C) the address of the building or buildings served by the**
 35 **private fire extinguishing resource; and**
 36 **(D) the date of installation for each building served by the**
 37 **private fire extinguishing resource; and**
 38 **(2) be:**
 39 **(A) hand delivered not later than July 1, 2014; or**
 40 **(B) sent by verified mail in a mailing that is postmarked or**
 41 **time stamped not later than July 1, 2014;**
 42 **to the appropriate business address of the water utility.**



1 (c) If, at any time, any information contained in a notice
 2 provided under subsection (b) changes or becomes inaccurate, the
 3 owner promptly shall deliver or send to the appropriate water
 4 utility, in a manner specified by subsection (b)(2), a written notice
 5 of the change.

6 **Sec. 10. (a) This section applies to a building for which:**

7 (1) the owner has provided a notice under section 8 or 9 of this
 8 chapter to the water utility providing water service to the
 9 building; or

10 (2) the water utility providing water service to the building
 11 otherwise has notice that the building is served by a private
 12 fire extinguishing resource.

13 **(b) Before terminating water service for:**

14 (1) nonpayment of outstanding fees or charges, including
 15 outstanding fees or charges owed to a municipal sewer utility
 16 and for which water utility service may be terminated under
 17 IC 36-9-23-6 or IC 36-9-25-11.5; or

18 (2) another reason not related to an emergency;

19 to a building to which this section applies, a water utility shall
 20 provide advance written notice of the termination to the local fire
 21 department.

22 **(c) A notice provided under this section must:**

23 (1) include:

24 (A) the date on which water service will be terminated,
 25 which date must be at least seven (7) days after the date of
 26 the notice;

27 (B) a statement of the reason for the termination;

28 (C) the address of the building or buildings for which
 29 water service will be terminated; and

30 (D) a telephone number for the water utility office that the
 31 fire department may call concerning the proposed
 32 termination of service; and

33 (2) be:

34 (A) hand delivered at least seven (7) days before the date
 35 of the proposed termination; or

36 (B) sent by verified mail in a mailing that is postmarked or
 37 time stamped at least seven (7) days before the date of the
 38 proposed termination;

39 to the appropriate business address of the local fire
 40 department.

41 (d) If a water utility receives notice from a municipal sewer
 42 utility under IC 36-9-25-11.5(c) to discontinue water service to a



1 **building to which this section applies:**

2 (1) upon receipt of the notice, the water utility shall provide
3 a copy of the notice of proposed termination required by this
4 section to the municipal sewer utility ordering the
5 termination; and

6 (2) the thirty (30) day period described in IC 36-9-25-11.5(f)
7 is tolled until after the date of the proposed termination set
8 forth in subsection (c)(1)(A).

9 **Sec. 11. (a) Before terminating water service for:**

10 (1) nonpayment of outstanding fees or charges, including
11 outstanding fees or charges owed to a municipal sewer utility
12 and for which water utility service may be terminated under
13 IC 36-9-23-6 or IC 36-9-25-11.5; or

14 (2) another reason not related to an emergency;

15 **to a multitenant residential building, a water utility shall provide**
16 **advance written notice of the proposed termination to the local**
17 **board of health having jurisdiction in the location of the**
18 **multitenant residential building.**

19 **(b) A notice provided under this section must:**

20 **(1) include:**

21 **(A) the date on which water service will be terminated,**
22 **which date must be at least seven (7) days after the date of**
23 **the notice;**

24 **(B) a statement of the reason for the termination;**

25 **(C) the address of the building or buildings for which**
26 **service will be terminated; and**

27 **(D) a telephone number for the water utility office that a**
28 **representative of the local board of health may call**
29 **concerning the proposed termination of service; and**

30 **(2) be:**

31 **(A) hand delivered at least seven (7) days before the date**
32 **of the proposed termination; or**

33 **(B) sent by verified mail in a mailing that is postmarked or**
34 **time stamped at least seven (7) days before the date of the**
35 **proposed termination;**

36 **to the appropriate business address of the local board of**
37 **health.**

38 SECTION 2. IC 36-9-25-11.5 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. (a) As an
40 alternative to the penalties provided in section 11 of this chapter, the
41 board may require that the water utility providing water service to a
42 delinquent user discontinue service until payment of all overdue user



1 fees, together with any penalties provided in this section, are received
2 by the municipality.

3 (b) If a fee established is not paid within one (1) monthly billing
4 cycle after it is due, the board or its designee shall send notice to the
5 delinquent user stating:

- 6 (1) the delinquent amount due, together with any penalty;
7 (2) that water service may be disconnected if the user continues
8 not to pay the delinquency and any penalty; and
9 (3) the procedure for resolving disputed bills.

10 The municipality shall provide by ordinance a procedure for resolving
11 disputed bills that includes an opportunity for a delinquent user to meet
12 informally with designated personnel empowered to correct incorrect
13 charges. Payment of a disputed bill and penalties by a user does not
14 constitute a waiver of rights to subsequently claim and recover from the
15 municipality sums improperly charged to the user.

16 (c) If the user fails to pay the delinquent amount or otherwise
17 resolve the charges as specified in subsection (a), the board or its
18 designee shall give written notice to the water utility serving the user
19 to discontinue water service to the premises designated in the notice
20 until notified otherwise. The notice must identify the delinquent sewer
21 user in enough detail to enable the water utility to identify the water
22 service connection that is to be terminated. **Subject to IC 8-1-32.1-10**,
23 upon receipt of the notice, the water utility shall disconnect water
24 service to the user.

25 (d) Water service may not be shut off under this section if a local
26 board of health has found and certified to the municipality that the
27 termination of water service will endanger the health of the user and
28 others in the municipality.

29 (e) The water utility that discontinues water service in accordance
30 with an order from the board or its designee does not incur any liability
31 except to the extent of its own negligence or improper conduct.

32 (f) **Subject to IC 8-1-32.1-10(d)(2)**, if the water utility does not
33 discontinue service within thirty (30) days after receiving notice from
34 the municipality, the utility is liable for any user fees incurred thirty
35 (30) days after receipt of notice to discontinue water service and that
36 are not collected from the user.

37 SECTION 3. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1334, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1334 as introduced.)

Committee Vote: Yeas 12, Nays 0

Representative Frye R

