

SENATE BILL NO. 1471

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

5176S.02I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapters 386 and 441, RSMo, by adding thereto two new sections relating to certain types of billing for water or sewer service for rental property.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 386 and 441, RSMo, are amended by
2 adding thereto two new sections, to be known as sections 386.021
3 and 441.239, to read as follows:

**386.021. An owner or operator of a premises or the
2 owner's or operator's third-party water and sewer usage
3 billing provider who furnishes water and sewer services to
4 lessees and charges lessees separately for their use of
5 water and sewer services in accordance with section 441.239
6 shall not be considered a public utility, sewer corporation,
7 or water corporation under this chapter or chapter 393.**

**441.239. 1. Except as otherwise provided in this
2 section, an owner or operator of a premises that is supplied
3 water and sewer services by a public utility, as defined in
4 section 386.020, or other state certified corporation who
5 furnishes water and sewer services only to lessees on the
6 premises and not to the public, may:**

**(1) Utilize a separate meter to measure water and
8 sewer usage within lessees' dwelling units and charge
9 lessees separately for water and sewer usage in accordance
10 with the measurement calculated through a use of the
11 separate meter; or**

12 (2) Employ a program that utilizes a mathematical
13 formula for the purpose of calculating and allocating among
14 all lessees those aggregate water and sewer usage charges
15 for which the owner or operator receives a bill.

16 2. An owner or operator of premises upon which common
17 areas are available for use by all lessees may, in
18 accordance with this section, utilize a mathematical formula
19 for the purpose of calculating and allocating among all
20 lessees aggregate, common area water and sewer usage charges
21 for which the owner or operator receives a bill.

22 3. An owner or operator of premises who seeks to
23 charge lessees separately for water and sewer usage in
24 accordance with subdivision (1) of subsection 1 of this
25 section shall disclose on each lessee's water and sewer
26 usage bill the lessee's individual water and sewer usage
27 charges during the current billing period, meter readings
28 taken at the beginning and end of the current billing
29 period, and the dates the meter readings were taken.

30 4. An owner or operator of premises who seeks to
31 allocate water and sewer usage charges among lessees in
32 accordance with subdivision (2) of subsection 1 of this
33 section and subsection 2 of this section shall first provide
34 to potential lessees a clear and written description of the
35 mathematical formula used to calculate and allocate water
36 and sewer usage charges prior to the commencement of a lease.

37 5. The total amount of water and sewer usage charges
38 billed to lessees in accordance with subsections 1 and 2 of
39 this section shall not exceed the amount charged to the
40 owner or operator by the public utility or a state certified
41 corporation, including applicable taxes and surcharges.

42 6. An owner or operator may charge and collect from
43 lessees reasonable fees for costs incurred by the owner or

44 operator related to the provision of administrative services
45 undertaken to implement water and sewer usage billing in
46 accordance with subsections 1 and 2 of this section,
47 provided that such charges are first disclosed to lessees
48 prior to the commencement of a lease.

49 7. An owner or operator may charge and collect from
50 lessees a fee for late payment of charges billed to lessees
51 in accordance with subsections 1 and 2 of this section. The
52 late charge shall be deemed as rent.

53 8. An owner or operator of premises may hire a third-
54 party provider to carry out water and sewer usage billing
55 services in accordance with subsections 1 and 2 of this
56 section. In carrying out water and sewer usage billing
57 services on behalf of an owner or operator of a premises, a
58 third-party water and sewer usage billing provider shall
59 comply with subsections 3, 4, and 5 of this section.

60 9. A public utility shall not interrupt or stop water
61 or sewer service if an owner or operator of premises or a
62 third-party billing provider fails to make a payment for
63 water or sewer services after a lessee has made a payment
64 for such services under this section.

65 10. An owner's or operator's third-party water and
66 sewer usage billing provider may charge and collect from
67 lessees reasonable fees for costs incurred related to the
68 provision of administrative services undertaken to implement
69 water and sewer usage billing in accordance with subsection
70 6 of this section.

71 11. An owner's or operator's third-party water and
72 sewer usage billing provider may charge and collect from
73 lessees a fee for late payment of charges billed to lessees
74 in accordance with subsection 7 of this section. The late
75 charge shall be deemed as rent.

76 12. An owner or operator of premises or the owner's or
77 operator's third-party water and sewer usage billing
78 provider's furnishing to lessees of water and sewer services
79 and the charging of lessees separately for their use of
80 water and sewer services in accordance with this section
81 shall not constitute the sale or resale of water and sewer
82 services that may be subject to the jurisdiction of the
83 Missouri public service commission.

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