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**SUBSTITUTE SENATE BILL 5771**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** Senate Committee on Energy & Utilities (originally sponsored by Senators Barr, Sutherland, Nelson and Thorsness)

Read first time 02/05/92.

1       AN ACT Relating to payment responsibility for utility service;  
2 amending RCW 35.21.290 and 35.67.200; creating a new section; and  
3 providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       NEW SECTION.   **Sec. 1.**       The legislature finds that policies  
6 should be promoted that provide incentives for citizens to act  
7 responsibly and pay for those services or products received. The  
8 legislature further finds that policies encouraging consumers to pay  
9 the full amount owed for utility services will help avoid wasteful use  
10 of utility services and help delay increases in the cost of these  
11 utility services.

12       **Sec. 2.** RCW 35.21.290 and 1965 c 7 s 35.21.290 are each amended to  
13 read as follows:

1       (1) Cities and towns owning their own waterworks, or electric light  
2 or power plants shall have a lien against the premises to which water,  
3 electric light, or power services were furnished for four months  
4 charges therefor due or to become due, but not for any charges more  
5 than four months past due: PROVIDED, That the owner of the premises or  
6 the owner of a delinquent mortgage thereon may give written notice to  
7 the superintendent or other head of such works or plant to cut off  
8 service to such premises accompanied by payment or tender of payment of  
9 the then delinquent and unpaid charges for such service against the  
10 premises together with the cut-off charge, whereupon the city or town  
11 shall have no lien against the premises for charges for such service  
12 thereafter furnished, nor shall the owner of the premises or the owner  
13 of a delinquent mortgage thereon be held for the payment thereof.

14       (2) All charges made for utility services shall be charged to the  
15 customer requesting the service. In cases where the service is  
16 provided to a commercial or residential tenant, collection of charges  
17 shall be made from that individual or individuals, and liens against  
18 the property of the landlord for such service are prohibited. A city  
19 or town may not refuse to provide service to a commercial or  
20 residential customer who is a tenant based on the nonpayment for  
21 services by the prior customer. The city or town may refuse to provide  
22 service if the prior nonpaying customer continues to reside in the  
23 premises.

24       (3) Cities and towns owning their own waterworks, or electric light  
25 or power plants shall adopt ordinances that require:

26       (a) A satisfactory credit resource or an adequate deposit amount  
27 before new customers may receive utility services; and

28       (b) A schedule and procedure for discontinuing utility service to  
29 customers delinquent in utility service payments. The ordinances shall  
30 provide that the maximum period allowed for nonpayment of utility

1 services prior to utility service termination is seventy-five days  
2 after the day the payment is due.

3 (4) Nothing in this section shall affect the benefits afforded to  
4 customers who qualify for the program outlined in RCW 35.21.300.

5 **Sec. 3.** RCW 35.67.200 and 1991 c 36 s 2 are each amended to read  
6 as follows:

7 (1) Cities and towns owning their own sewer systems shall have a  
8 lien for delinquent and unpaid rates and charges for sewer service,  
9 penalties levied pursuant to RCW 35.67.190, and connection charges,  
10 including interest thereon, against the premises to which such service  
11 has been furnished or is available, which lien shall be superior to all  
12 other liens and encumbrances except general taxes and local and special  
13 assessments. The city or town by ordinance may provide that delinquent  
14 charges shall bear interest at not exceeding eight percent per annum  
15 computed on a monthly basis: PROVIDED, That a city or town using the  
16 property tax system for utility billing may, by resolution or  
17 ordinance, adopt the alternative lien procedure as set forth in RCW  
18 35.67.215.

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20 customer requesting the service. In cases where the service is  
21 provided to a commercial or residential tenant, collection of charges  
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8 services prior to utility service termination is seventy-five days  
9 after the day the payment is due.

10       NEW SECTION. Sec. 4.       This act shall take effect October 1,  
11 1991.