WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2006

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ENROLLED

COMMITTEE SUBSTITUTE FOR
House Bill No. 4120

(By Delegates Michael, Stemple, Boggs, Ashley, Hrutkay, Martin, Swartzmiller, Stalnaker and Evans)

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Passed March 9, 2006

In Effect Ninety Days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4120

(By Delegates Michael, Stemple, Boggs, Ashley, Hrutkay, Martin, Swartzmiller, Stalnaker and Evans)

[Passed March 9, 2006; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-3-10, relating to authorizing the termination of water service for delinquent sewer bills; providing for the termination of water service for delinquent sewer bills where sewer service is provided by a public utility that is owned and operated by a homeowners’ association; and providing for the termination of water service for delinquent sewer bills where sewer service is provided by a privately owned public utility.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §24-3-10, to read as follows:
ARTICLE 3. DUTIES AND PRIVILEGES OF PUBLIC UTILITIES SUBJECT TO REGULATIONS OF COMMISSION.

§24-3-10. Termination of water service for delinquent sewer bills.

(a) In the event that any publicly or privately owned utility, city, incorporated town, municipal corporation or public service district owns and operates either water facilities or sewer facilities, and a privately owned public utility or a public utility that is owned and operated by a homeowners’ association owns and operates the other kind of facilities, either water or sewer, then the privately owned public utility or the homeowners’ association may contract with the publicly or privately owned utility, city, incorporated town, or public service district which provides the other services to shutoff and discontinue the supplying of water service for the nonpayment of sewer service fees and charges.

(b) Any contracts entered into by a privately owned public utility or by a public utility that is owned and operated by a homeowners’ association pursuant to this section must be submitted to the Public Service Commission for approval.

(c) Any privately owned public utility or any public utility that is that is owned and operated by a homeowners’ association which provides water and sewer service to its customers may terminate water service for delinquency in payment of either water or sewer bills.

(d) Where a privately owned public utility or a public utility that is owned and operated by a homeowners’ association is providing sewer service and another utility is providing water service, and the privately owned public utility or the homeowners’ association providing sewer service experiences a delinquency in payment, the utility providing water service, upon the request of the homeowners’ association or the privately owned public utility providing sewer service to the delinquent account,
shall terminate its water service to the customer having the delinquent sewer account.

(e) Any termination of water service must comply with all rules and orders of the Public Service Commission.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chandy White  
Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Darrell E. Miller  
Clerk of the Senate

Burgess in En  
Clerk of the House of Delegates

Earl Ray Tomblin  
President of the Senate

R. Robert Bentz  
Speaker of the House of Delegates

The within is approved this the 44th day of April, 2006.  
Governor