

_____ offers the following
substitute to HB 465:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities and
2 public transportation, so as to enact the "Georgia Water Customer Bill of Rights Act"; to
3 provide for legislative intent; to provide for definitions; to provide for customer service
4 standards and disclosures; to provide for requirements regarding billing and other mistakes
5 and errors; to provide for refunds and credits; to provide for administrative and civil
6 remedies; to provide for related matters; to provide for an effective date; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
11 transportation, is amended by revising Chapter 10, which was previously reserved, as
12 follows:

13 "CHAPTER 10

14 46-10-1.

15 This chapter shall be known and may be cited as the 'Georgia Water Customer Bill of
16 Rights Act.' ~~Reserved.~~

17 46-10-2.

18 The General Assembly finds that it is in the public interest to provide a water and sewer
19 customer bill of rights to ensure that customers receive water and sewer services on
20 reasonable terms and at reasonable prices from community water systems. The intent of
21 this chapter is to ensure that all customers of water and sewer services:

22 (1) Have access to reliable, safe, and affordable water service, including high-quality
23 customer service;

- (2) Have the right to receive information about community water systems' services, plans, terms and conditions, and rights and remedies. Such information shall be unbiased, accurate, and understandable in a written form that facilitates comprehension of prices and terms of service;
- (3) Receive the benefits of new services, technological advancements, improved efficiency, and competitive prices;
- (4) Enjoy the protection of reasonable and uniformly applied standards that protect customers in matters involving deposit and credit requirements, service denials, and service terminations;
- (5) Are protected from unfair, deceptive, fraudulent, and unreasonable practices and from deceptive information regarding billing terms and conditions of service;
- (6) Receive accurate and timely bills;
- (7) Are protected from price increases resulting from inequitable price shifting; and
- (8) Have the right to a fair and efficient process for resolving disputes with community water systems.

46-10-3.

As used in this chapter, the term:

- (1) 'Bill' means any bill, invoice, or other request for payment issued by a community water system to a customer.
- (2) 'Community water system' means a public or private system:
 - (A) That provides water for human consumption through pipes or other constructed conveyances, where such system has at least 15 service connections or regularly serves at least 25 customers. Such term shall include collection, pretreatment, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; or
 - (B) Composed of pipes or other constructed sewerage for the collection and processing of sewage that has at least 15 service connections or regularly serves at least 25 customers. Such term shall include collection, pretreatment, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system.
- (3) 'Customer' means an individual, corporation, partnership, limited partnership, limited liability company, or other business entity that pays for and receives water service, sewer service, or both water service and sewer service from a community water system.
- (4) 'Public community water system' means a community water system owned and operated by a municipality, county, consolidated government, or public authority.

59 (5) 'Reasonable payment arrangement' means a payment plan offered by a community
60 water system that allows a customer to pay past due amounts or currently due amounts,
61 or both, over an extended period of time that would not ordinarily be available to the
62 customer under its agreement with the community water system.

63 46-10-4.

64 (a) A community water system shall:

65 (1) Allow all customers to rescind without penalty any service agreement entered into
66 with such community water system within three days of the customer entering into the
67 agreement;

68 (2) Allow customers to terminate service agreements as provided for in such agreements
69 in writing, in person, by telephone, or electronically by contacting the community water
70 system;

71 (3) Not provide to customers any bills with amounts due based on estimates more than
72 three times in any 12 month period, except in the event that the customer tampers with
73 the meter;

74 (4) Not bill any estimated amount exceeding the customer's average bill amount during
75 the duration of service to the customer or the prior 12 months, whichever is greater;

76 (5) Accept cash payments for bills;

77 (6) Issue bills within 30 days of meter readings where applicable or otherwise at least
78 quarterly;

79 (7) Not impose any security deposit in excess of \$200.00 for single-family residential
80 customers; and

81 (8) Not impose any late fee, fee for cancellation, or other punitive fee or penalty in
82 excess of 15 percent of any past due balance until 20 days after such balance is due.

83 (b) In addition to the protections afforded by Code Section 36-60-17 and except as may
84 be necessitated by repairs, force majeure, the customer's failure to comply with drought
85 restrictions or other such acts, or public health, safety, or welfare, a community water
86 system shall not disconnect service to a customer unless such customer fails to pay for
87 service from the community water system and shall not disconnect a customer's service for
88 nonpayment of a bill that was not sent to the customer in a timely manner as required by
89 paragraph (6) of subsection (a) of this Code section.

90 (c) Upon a customer's request, and no more than twice in any five-year period, a
91 community water system shall offer at least one reasonable payment arrangement to a
92 customer prior to disconnecting such customer's service due to a failure to make payment
93 on a bill.

94 (d) A community water system shall not terminate service to a customer less than 15 days
95 after providing a separate written notice or a clear notice on a bill to the customer that
96 service will be terminated.

97 46-10-5.

98 (a) Each community water system shall provide to its customers upon request and shall
99 maintain on a publicly accessible website or otherwise make publicly available the
100 following information:

101 (1) The process by which rates are determined;

102 (2) The billing interval or intervals utilized by the community water system;

103 (3) The amount of all fees, including fees for delinquent payments, cancellation of
104 service, and reconnecting to the system, charged by the community water system in
105 addition to service rates;

106 (4) Contact information including, at a minimum, the addresses of all business offices
107 of the community water system, a website, a phone number during business hours, and
108 a phone number during nonbusiness hours for emergency purposes only;

109 (5) Notice of the customer's right to rescind any service agreement entered into with a
110 community water system within three days of the customer entering into the agreement;

111 (6) Notice of the customer's right to receive from the community water system notice of
112 termination of service at least 15 days prior to such termination; and

113 (7) A statement that customer security deposits shall not exceed the amount set forth in
114 paragraph (7) of subsection (a) of Code Section 46-10-4.

115 (b) All bills issued by a community water system to a customer for services rendered shall
116 include, at a minimum, the following information:

117 (1) The customer's name, billing address, service address, and account number;

118 (2) Dates of service for which the customer is being charged, an itemization of all
119 charges, and the due date for payment;

120 (3) Beginning and ending meter reading data and rates; and

121 (4) An explanation of any codes and abbreviations used.

122 46-10-6.

123 (a) A community water system that becomes aware by any means of an error in billing for
124 services on the part of such system shall correct the error within 30 days of becoming
125 aware of such error or mistake. Upon a failure of a community water system to so correct
126 an error and upon the filing of an action by a customer pursuant to Code Section 46-10-7,
127 the community water system shall have the burden of proving by a preponderance of the
128 evidence that the community water system did not act with gross negligence. During any

129 time period in which an appeal or action is pending pursuant to Code Section 46-10-7, the
130 community water system shall not impose a late fee or penalty on any disputed amount nor
131 initiate any action to terminate the customer's service or collect on any past due balance.
132 if the disputed amount constitutes the total amount of the past due balance. However, the
133 pendency of an appeal or action shall not otherwise suspend a customer's obligation to pay
134 for services rendered.

135 (b) In the event that a billing error results in an overpayment by a customer, the
136 community water system shall within 30 days of becoming aware of the error provide to
137 the customer either:

138 (1) A credit to the customer's account equal to the amount of the overpayment by the
139 customer; or

140 (2) A cash or check refund to the customer equal to the amount of the overpayment by
141 the customer.

142 (c) A community water system shall not require a customer to which it owes a credit or
143 refund pursuant to subsection (b) of this Code section to submit a written request for such
144 credit or refund as a precondition to the community water system complying with the
145 provisions of subsection (b) of this Code section.

146 46-10-7.

147 (a) Except as otherwise provided in subsection (c) of this Code section, a customer shall
148 be authorized to bring an action for a declaratory judgment, civil damages, or punitive
149 damages in the superior court of the county in which any portion of the community water
150 system is located in order for such court to determine whether the community water system
151 has failed to comply with any of the requirements provided in this chapter other than the
152 requirements provided in Code Section 46-10-2. Such action shall be brought within the
153 calendar year immediately following the calendar year in which the alleged failure to
154 comply occurs. If the court determines that the community water system failed to comply
155 with the requirements provided in this chapter, such court shall be authorized to enter an
156 order requiring the community water system to remedy such failure within a time period
157 determined by the court and to award any reasonable damages incurred by the customer as
158 a result of such failure. In the event of a showing of gross negligence on the part of the
159 community water system, the court may award the customer court costs, attorney fees, and
160 punitive damages not to exceed \$500.00 per action filed. Parties to such an action shall
161 retain their rights under Code Section 9-15-14. No action filed pursuant to this subsection
162 shall be filed as a class action.

163 (b) A community water system that is served during any calendar year with one or more
164 actions pursuant to subsection (a) of this Code section shall by January 31 of the following

165 year provide a list of all such actions to the Consumer Protection Division of the
 166 Department of Law, which shall provide a report annually no later than February 28 of
 167 such year to the House Committee on Energy, Utilities, and Telecommunications and the
 168 Senate Regulated Industries and Utilities Committee.
 169 (c) Prior to filing an action pursuant to subsection (a) of this Code section, a customer of
 170 a public community water system shall make application to the public community water
 171 system for an appeal of the customer's grievance or grievances pursuant to procedures
 172 adopted by the public community water system. Any such procedures shall result in a final
 173 decision on each appeal within no more than six months of the customer's application.
 174 After the occurrence of such hearing, or upon the failure of the governing authority to
 175 timely conduct such hearing, the customer may file an action pursuant to subsection (a) of
 176 this Code section."

177 **SECTION 2.**

178 This Act shall become effective on July 1, 2020.

179 **SECTION 3.**

180 All laws and parts of laws in conflict with this Act are repealed.