

SENATE BILL NO. 28

INTRODUCED BY LYNCH, HAFHEY, MENAHAN, JACOBSON,  
VAN VALKENBURG, WALKER, STIMATZ, HARRINGTON, QUILICI,  
KEENAN, PAVLOVICH, DAILY, FRITZ, D. BROWN, DRISCOLL, EUDAILY

IN THE SENATE

JANUARY 5, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON LOCAL GOVERNMENT.

JANUARY 8, 1987                   ON MOTION BY CHIEF SPONSOR, SENATORS  
HAFHEY, JACOBSON, VAN VALKENBURG,  
WALKER, AND STIMATZ AND REPRESENTATIVES  
MENAHAN, HARRINGTON, QUILICI, FRITZ,  
KEENAN, PAVLOVICH, DAILY, D. BROWN,  
DRISCOLL, AND EUDAILY ADDED AS SPONSORS.

JANUARY 22, 1987                  COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 23, 1987                  PRINTING REPORT.

JANUARY 26, 1987                  ON MOTION, CONSIDERATION PASSED  
FOR THE DAY.

JANUARY 27, 1987                  SECOND READING, DO PASS AS AMENDED.

JANUARY 28, 1987                  ENGROSSING REPORT.

JANUARY 29, 1987                  THIRD READING, PASSED.  
AYES, 49; NOES, 1.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 4, 1987                  INTRODUCED AND REFERRED TO COMMITTEE  
ON LOCAL GOVERNMENT.

MARCH 11, 1987                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 13, 1987                   SECOND READING, CONCURRED IN.

MARCH 14, 1987

THIRD READING, CONCURRED IN.  
AYES, 94; NOES, 2.

RETURNED TO SENATE.

IN THE SENATE

MARCH 17, 1987

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1                    SENATE    BILL NO. 28  
2    INTRODUCED BY LYNCH

3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY A PROPERTY  
5    OWNER'S FINANCIAL RESPONSIBILITY AND LIABILITY FOR  
6    CONSTRUCTION AND MAINTENANCE OF PUBLICLY OR PRIVATELY  
7    SUPPLIED WATER SERVICE PIPELINES; AND DIRECTING AN AMENDMENT  
8    TO RULE 38.5.2502, ADMINISTRATIVE RULES OF MONTANA."

9  
10    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11        NEW SECTION. Section 1. Financial responsibility and  
12    liability for water service pipeline. (1) A property owner  
13    is responsible for the costs of construction and maintenance  
14    of publicly or privately supplied water service pipelines  
15    from his property line to his premises. The private or  
16    public water service provider is responsible for the cost of  
17    constructing and maintaining water service pipelines from  
18    the main to the owner's property line.

19        (2) A property owner is not liable for any injury or  
20    property damage associated with excavation in constructing  
21    or maintaining water service pipelines if the excavation  
22    does not occur between his property line and his premises.

23        Section 2. The Public Service Commission shall amend  
24    Rule 38.5.2502, Administrative Rules of Montana, to read:

25        "38.5.2502 APPLICATION FOR WATER SERVICE (1) All

1    consumers wanting water service must make an application  
2    with the utility. Except as provided in ARM 38.5.2502(2),  
3    the utility may require consumers make a service application  
4    at the utility office on printed application forms, which  
5    shall set forth all purposes for which the water will be  
6    used upon the premises, or the utility may allow the  
7    consumer to apply for service via the telephone. A copy of  
8    the utility's printed application form and any subsequent  
9    modifications shall be submitted to the Commission to become  
10    part of the utility's tariff. A deposit for guarantee of  
11    payment for water service may be required by the utility of  
12    the consumer applying for service pursuant to the deposit  
13    rules of the Commission, Title 38, Chapter 5, Subchapter 11.

14        (2) All applications for the original introduction of  
15    water service to any premises must be made on printed  
16    application forms furnished by the utility and described in  
17    ARM 38.5.2501(1) above, and must be signed by the property  
18    owner of those premises. When the ownership of the premises  
19    changes, the new property owner must make a new application  
20    for water service with the utility. A property owner is  
21    liable for payment for water service as a consumer, unless  
22    ARM 38.5.2502(3) applies.

23        (3) Where the consumer is a renter, a leasee, or is  
24    not the property owner, the application for water service  
25    shall be made in the consumer's own name, and that consumer



1 shall be liable for payment for the water service. In such  
2 instances, the utility shall indicate the name of the  
3 consumer and the date that the consumer began to receive  
4 water service on the original written service application  
5 that was signed by the property owner of the premises.

6 (4) Upon the utility's acceptance of the application  
7 for water service, the consumer shall have the right to take  
8 and receive a supply of water for the particular premises  
9 for the purposes specified in the application subject to  
10 compliance by the consumer with these rules and any special  
11 rules promulgated by the utility.

12 (5) When an application for new water service has been  
13 accepted, the utility at its own expense will tap the main  
14 and furnish corporation cock, and clamp when necessary, and  
15 any other material used or labor furnished in connection  
16 with the tapping of the main. ~~All--expense--of--laying--and~~  
17 ~~maintaining-the-service-pipes-from-the-mains-to-the-premises~~  
18 ~~of--the-consumer--must--be--borne--by--the-consumer.~~ The consumer  
19 of water service is responsible for the cost of constructing  
20 and maintaining water service pipelines from his property  
21 line to his premises. The private or municipal water service  
22 provider is responsible for the cost of constructing and  
23 maintaining water service pipelines from the main to the  
24 consumer's property line. The utility shall assist consumers  
25 and/or excavation contractors in locating water service

1 mains and lines prior to the consumer beginning excavation  
2 in order to avoid water service interruptions due to broken  
3 mains and lines. The service pipe must be laid below street  
4 grade, on the premises of the consumer and at a standard  
5 depth designated by the utility to prevent freezing. A curb  
6 cock and curb box of approved pattern must be installed by  
7 the consumer at a point designated by the utility. Whenever  
8 a tap is made through which regular service is not  
9 immediately desired, the consumer will bear the entire  
10 expense of tapping, subject to a refund whenever regular  
11 service is begun.

12 (6) No charge may be made for turning on the water to  
13 a new consumer during the regular working hours of the  
14 utility.

15 (7) Contractors, builders or owners are required to  
16 apply for permit for the use of water for building and other  
17 purposes in construction work. Consumers are warned not to  
18 allow the use of their water fixtures unless the  
19 contractors, the builders or the owners produce a permit  
20 issued by the utility specifying the premises on which the  
21 water is to be used. Water will not be turned on at any new  
22 building until all water used during construction has been  
23 paid for."

24 NEW SECTION. Section 3. Codification instruction.  
25 Section 1 is intended to be codified as an integral part of

LC 0350/01

1 Title 7, chapter 13, parts 21 and 41, and Title 69, chapter  
2 4, part 5, and the provisions of Title 7, chapter 13, parts  
3 21 and 41, and Title 69, chapter 4, part 5, apply to section  
4 1.

-End-

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

SENATE BILL NO. 28

INTRODUCED BY LYNCH, HAFPEY, MENAHAN, JACOBSON,

VAN VALKENBURG, WALKER, STIMATZ, HARRINGTON, QUILICI,

KEENAN, PAVLOVICH, DAILY, FRITZ, D. BROWN, DRISCOLL, EUDAILY

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY A PROPERTY OWNER'S FINANCIAL RESPONSIBILITY AND LIABILITY FOR CONSTRUCTION--AND MAINTENANCE OF PUBLICLY--OR PRIVATELY SUPPLIED WATER SERVICE PIPELINES; AND DIRECTING AN AMENDMENT TO RULE 38.5.2502, ADMINISTRATIVE RULES OF MONTANA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Financial responsibility and liability for water service pipeline. (1) A property owner is responsible for the costs of ~~construction-and-maintenance of-publicly-or~~ CONSTRUCTING privately supplied water service pipelines from THE MAIN TO HIS PREMISES AND FOR MAINTAINING SERVICE PIPELINES FROM his property line to his premises. The private ~~or-public~~ water service provider is responsible for the cost of ~~constructing-and~~ maintaining water service pipelines from the main to the owner's property line, EXCEPT THAT THE PROPERTY OWNER SHALL PAY FOR PIPE AND OTHER SUPPLIES USED IN MAINTAINING WATER SERVICE LINES BETWEEN THE MAIN AND HIS PROPERTY LINE.

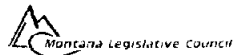
(2) A property owner is not liable for any injury or

property damage associated with excavation in ~~constructing~~ or maintaining water service pipelines if the excavation does not occur between his property line and his premises.

Section 2. The Public Service Commission shall amend Rule 38.5.2502, Administrative Rules of Montana, to read:

"38.5.2502 APPLICATION FOR WATER SERVICE (1) All consumers wanting water service must make an application with the utility. Except as provided in ARM 38.5.2502(2), the utility may require consumers make a service application at the utility office on printed application forms, which shall set forth all purposes for which the water will be used upon the premises, or the utility may allow the consumer to apply for service via the telephone. A copy of the utility's printed application form and any subsequent modifications shall be submitted to the Commission to become part of the utility's tariff. A deposit for guarantee of payment for water service may be required by the utility of the consumer applying for service pursuant to the deposit rules of the Commission, Title 38, Chapter 5, Subchapter 11.

(2) All applications for the original introduction of water service to any premises must be made on printed application forms furnished by the utility and described in ARM 38.5.2501(1) above, and must be signed by the property owner of those premises. When the ownership of the premises changes, the new property owner must make a new application



1 for water service with the utility. A property owner is  
 2 liable for payment for water service as a consumer, unless  
 3 ARM 38.5.2502(3) applies.

4 (3) Where the consumer is a renter, a leasee, or is  
 5 not the property owner, the application for water service  
 6 shall be made in the consumer's own name, and that consumer  
 7 shall be liable for payment for the water service. In such  
 8 instances, the utility shall indicate the name of the  
 9 consumer and the date that the consumer began to receive  
 10 water service on the original written service application  
 11 that was signed by the property owner of the premises.

12 (4) Upon the utility's acceptance of the application  
 13 for water service, the consumer shall have the right to take  
 14 and receive a supply of water for the particular premises  
 15 for the purposes specified in the application subject to  
 16 compliance by the consumer with these rules and any special  
 17 rules promulgated by the utility.

18 (5) When an application for new water service has been  
 19 accepted, the utility at its own expense will tap the main  
 20 and furnish corporation cock, and clamp when necessary, and  
 21 any other material used or labor furnished in connection  
 22 with the tapping of the main. ~~All--expense--of--tapping--and~~  
 23 ~~maintaining-the-service-pipes-from-the-mains-to-the-premises~~  
 24 ~~of--the-consumer-must-be-borne-by-the-consumer.~~ The consumer  
 25 of water service is responsible for the cost of constructing

1 WATER SERVICE PIPELINES FROM THE MAIN TO HIS PREMISES and  
 2 FOR maintaining water service pipelines from his property  
 3 line to his premises. The private or-municipal water service  
 4 provider is responsible for the cost of constructing--and  
 5 maintaining water service pipelines from the main to the  
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 7 FOR PIPE AND OTHER SUPPLIES USED IN MAINTAINING WATER  
 8 SERVICE LINES BETWEEN THE MAIN AND HIS PROPERTY LINE. The  
 9 utility shall assist consumers and/or excavation contractors  
 10 in locating water service mains and lines prior to the  
 11 consumer beginning excavation in order to avoid water  
 12 service interruptions due to broken mains and lines. The  
 13 service pipe must be laid below street grade, on the  
 14 premises of the consumer and at a standard depth designated  
 15 by the utility to prevent freezing. A curb cock and curb box  
 16 of approved pattern must be installed by the consumer at a  
 17 point designated by the utility. Whenever a tap is made  
 18 through which regular service is not immediately desired,  
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21 (6) No charge may be made for turning on the water to  
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24 (7) Contractors, builders or owners are required to  
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1 purposes in construction work. Consumers are warned not to  
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6 building until all water used during construction has been  
7 paid for."

8 NEW SECTION. Section 3. Codification instruction.  
9 Section 1 is intended to be codified as an integral part of  
10 Title 7, chapter 13, parts 21 and 41, and Title 69, chapter  
11 4, part 5, and the provisions of Title 7, chapter 13, parts  
12 21 and 41, and Title 69, chapter 4, part 5, apply to section  
13 1.

-End-



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3 VAN VALKENBURG, WALKER, STIMATZ, HARRINGTON, QUILICI,  
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8 NEW SECTION. Section 3. Codification instruction.  
9 Section 1 is intended to be codified as an integral part of  
10 ~~Title 77, chapter 137, parts 21 and 41, and~~ Title 69, chapter  
11 4, part 5, and the provisions of ~~Title 77, chapter 137, parts~~  
12 ~~21 and 41, and~~ Title 69, chapter 4, part 5, apply to section  
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-End-

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