

CHAPTER 158

(HB 272)

AN ACT relating to utility services.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

- (1) *Any water district or water association formed for the purpose of furnishing water or sewer services to the general public for compensation pursuant to KRS Chapters 74 or 273 may assess a customer who fails to pay a bill for rendered services by the due date shown on the bill a late payment charge of ten percent (10%) of the amount billed.*
- (2) *A late payment charge or fee shall not be assessed more than once per billing cycle or on any part of the late payment charge.*
- (3) *Any payment received by a water district or water association shall first be applied to the portion of the bill for service rendered.*
- (4) *The commission shall not modify, reject, discontinue, abolish, or suspend the operation of a late payment charge that is provided for currently, or has been provided for in the past, in a water district or water association tariff.*
- (5) *A water district or water association shall not be required to demonstrate to the commission that the late payment charge is required to recover customer-specific costs incurred that would otherwise result in a monetary loss to the utility or increased rates to other customers to whom no benefits accrue from the service provided or actions taken.*
- (6) *Any late payment charge imposed by a water district or water association shall be waived for any bill or portion of a bill for which a customer has received third-party billing assistance through the Low-Income Household Drinking Water and Wastewater Emergency Assistance Program or from another public or charitable source.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 39A IS CREATED TO READ AS FOLLOWS:

- (1) *During a declared emergency, no executive order, administrative regulation, or other guidance from a department or officer of state government shall be issued or promulgated that conflicts with any of the requirements or guidance, including advisory memoranda, that is issued by the United States Department of Homeland Security or its successor agencies regarding the classification or treatment of the employees of utilities subject to or created under KRS Chapter 58, 96, 278, or 279, regional wastewater commissions subject to or created under KRS Chapter 65, regional water commissions subject to or created under KRS Chapter 74, metropolitan sewer districts subject to or created under KRS Chapter 76, and sanitation districts subject to or created under KRS Chapter 220, as essential or critical infrastructure workers that are needed to ensure the continuity of functions critical to public health and safety or economic and national security.*
- (2) *Beginning on the effective date of this Act, during a declared emergency, no current or future executive order, administrative regulation, or other guidance shall remain in effect or be issued or promulgated by a department or officer of state government that prohibits or otherwise impairs the right of a utility subject to or created under KRS Chapter 96 from:*
 - (a) *Terminating service for a customer's non-payment of a utility bill; or*
 - (b) *Assessing or collecting its usual and customary fees or penalties for non-payment or delinquent payments of a customer's utility bill.*

Veto overridden March 29, 2021.