

AMENDED IN ASSEMBLY JULY 2, 2001

CALIFORNIA LEGISLATURE—2001–02 SECOND EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 12

Introduced by Assembly Member Simitian

May 16, 2001

An act to amend Section ~~31007.5~~ of 12240 of the *Business and Professions Code*, and to amend Sections 110 and 530 of, and to add Section 110.5 to, the *Water Code*, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as amended, Simitian. ~~County water districts: residential water services~~ *Water and sewer service.*

The Water Measurement Law currently establishes the goal that water meters measuring the quantity of water furnished or delivered, be installed on all new water connections to a water purveyor. Existing law finds and declares that waste or unreasonable use of water imposes unnecessary and wasteful consumption of energy to deliver or furnish the water. Existing law requires, with specified exceptions, that water purveyors, as a condition of a new water service, require that a water meter be installed on a water service facility, as defined.

This bill would require, except where unfeasible in high rise structures, water purveyors who deliver water service to any person residing in a multiunit residential structure, as specified, to require the installation of submeters as a condition of new water service. The bill would authorize the owner or operator of a multiunit residential structure without water submeters to charge tenants separately for water and sewer service, using an allocation formula based on either a unit's square footage or number of tenants.

The bill would specify that certain flow sensor devices that meet the standards of the California Plumbing Code and the American Water Works Association are not subject to prescribed county device registration fees and are lawful.

~~The County Water District Law prohibits a county water district that furnishes water for residential use to a tenant from seeking to recover charges or penalties for the furnishing of water to or for the tenant's residential use from any subsequent tenant because of nonpayment of charges by a previous tenant, but permits the county water district to require that service to subsequent tenants be furnished on the landlord's or property owner's account.~~

~~This bill would make a nonsubstantive, technical change in that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 31007.5 of the Water Code is amended~~
- 2 *SECTION 1. Section 12240 of the Business and Professions*
- 3 *Code is amended to read:*
- 4 12240. (a) Except as otherwise provided in this section, the
- 5 board of supervisors, by ordinance, may charge an annual device
- 6 registration fee, not to exceed the county's total cost of actually
- 7 inspecting or testing the devices as required by law, to recover the
- 8 costs of inspecting or testing weighing and measuring devices
- 9 required of the county sealer pursuant to Section 12210, and to
- 10 recover the cost of carrying out Section 12211.
- 11 (b) Except as otherwise provided in this section, the device
- 12 registration fee shall not exceed the amount prescribed in the Table
- 13 of Maximum Annual Charges set forth in subdivision (f).
- 14 (c) The county may collect the fees biennially, in which case
- 15 they shall not exceed twice the amount of an annual fee. The
- 16 ordinance shall be adopted pursuant to Article 7 (commencing
- 17 with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title
- 18 2 of the Government Code.
- 19 (d) Retail gasoline pump meters, for which the above fees are
- 20 assessed, shall be inspected as frequently as required by
- 21 regulation, but not less than once every two years.



1 (e) Livestock scales, animal scales and scales used primarily
 2 for weighing feed and seed, for which the above fees are assessed,
 3 shall be inspected as frequently as required by regulation.

4 (f) Table of Maximum Annual Charges:

5

6 Number of	Charge Per
7 Devices	Location
8 1 to 3	\$ 40
9 4 to 9	\$ 80
10 10 to 19	\$120
11 20 to 25	\$160
12 Over 25	\$200

13

14 (g) For marinas, mobilehome parks, recreational vehicle parks,
 15 and apartment complexes, where the owner of the marina, park, or
 16 complex owns and is responsible for the utility meters, the annual
 17 fee shall not exceed sixty dollars (\$60) per marina, park, or
 18 complex, and a fee of up to two dollars (\$2) per device per space
 19 or apartment. Marinas, mobilehome parks, recreational vehicle
 20 parks, and apartment complexes for which the above fees are
 21 assessed shall be inspected and tested as frequently as required by
 22 regulation.

23 (h) For weighing devices, other than livestock and motor truck
 24 scales, with capacities of 20,000 pounds or greater, the registration
 25 fee shall be two hundred dollars (\$200) per device.

26 (i) For motor truck scales, the registration fee shall be one
 27 hundred dollars (\$100) per device.

28 (j) This section does not apply to farm milk tanks.

29 (k) A scale or device used in a certified farmers' market, as
 30 defined by Section 113745 of the Health and Safety Code, is not
 31 required to be registered in the county where the market is
 32 conducted, if the scale or device has an unexpired seal for the
 33 current year, issued by a licensed California county sealer.

34 (l) For livestock scales with capacities of 20,000 pounds or
 35 more, the registration fee shall be one hundred dollars (\$100) per
 36 device, except that the fee for not more than three devices at a
 37 single location shall be one hundred dollars (\$100).

38 (m) *This section does not apply to a flow sensor device that*
 39 *meets the standards of the California Plumbing Code (Chapter 29*
 40 *(commencing with Section 2901) of Title 24 of the California Code*



1 *of Regulations) and the American Water Works Association and is*
2 *located downstream from a water meter.*

3 *SEC. 2. Section 110 of the Water Code is amended to read:*

4 110. (a) Notwithstanding any other provision of law, every
5 water purveyor who sells, leases, rents, furnishes, or delivers water
6 service to any person shall require, as a condition of new water
7 service on and after January 1, 1992, that a suitable water meter to
8 measure the water service shall be installed on the water service
9 facilities in accordance with Chapter 8 (commencing with Section
10 500). The cost of installation of the meter shall be paid by the user
11 of the water, and any water purveyor may impose and collect
12 charges for those costs.

13 (b) *In order to reduce the unreasonable use of water and*
14 *wasteful consumption of energy, every water purveyor who sells,*
15 *leases, rents, furnishes, or delivers water service to any person*
16 *residing in a multiunit residential structure for which a*
17 *construction permit has been issued on or after January 1, 2004,*
18 *shall require the installation of submeters as a condition of new*
19 *water service to that person, except where plumbing*
20 *configurations with multiple points of entry in high rise structures*
21 *make the installation of submeters unfeasible.*

22 (c) For the purposes of ~~subdivision (a)~~ *this section, “water*
23 *purveyor,” “person,” “water service,” and “water meter” have*
24 *the same meaning as defined in Article 2 (commencing with*
25 *Section 510) of Chapter 8.*

26 ~~(e) Subdivision~~

27 (d) ~~Subdivisions (a) applies and (b) apply~~ *only to potable*
28 *water.*

29 ~~(d) Subdivision~~

30 (e) ~~Subdivisions (a) does and (b) do~~ *not apply to a community*
31 *water system which serves less fewer than 15 service connections*
32 *used by yearlong residents or regularly serves less fewer than 25*
33 *yearlong residents, or a single well which services the water supply*
34 *of a single family residential home.*

35 *SEC. 3. Section 110.5 is added to the Water Code, to read:*

36 110.5. *The owner or operator of a multiunit residential*
37 *structure without water submeters may charge tenants separately*
38 *for water and sewer service as determined by an allocation*
39 *formula that reflects the square footage of the unit or the number*
40 *of tenants residing in the unit.*



1 *SEC. 4. Section 530 of the Water Code is amended to read:*
2 530. (a) Domestic cold water meters shall be in compliance
3 with relevant standards of the American Water Works Association
4 and shall be of the type approved by the Director of Food and
5 Agriculture pursuant to Section 12500.5 of the Business and
6 Professions Code.

7 (b) *Notwithstanding any other provision of law, for the*
8 *purposes of submetering water usage, a flow sensor device that is*
9 *located downstream from a water meter is lawful if it meets the*
10 *standards of the California Plumbing Code (Chapter 29*
11 *(commencing with Section 2901) of Title 24 of the California Code*
12 *of Regulations) and the American Water Works Association.*

13 ~~to read:~~
14 ~~31007.5.—No district furnishing water for residential use to a~~
15 ~~tenant shall seek to recover any charges or penalties for the~~
16 ~~furnishing of water to or for the tenant's residential use from any~~
17 ~~subsequent tenant on account of nonpayment of charges by a~~
18 ~~previous tenant. The district may, however, require that service to~~
19 ~~any subsequent tenants be furnished on the account of the landlord~~
20 ~~or property owner.~~

