

AMENDED IN ASSEMBLY JULY 19, 2001

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

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

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as amended, Simitian. 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.~~

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 12240 of the Business and Professions  
2 Code is amended to read:

3 12240. (a) ~~Except as otherwise provided in this section, the~~  
4 ~~board of supervisors, by ordinance, may charge an annual device~~  
5 ~~registration fee, not to exceed the county’s total cost of actually~~  
6 ~~inspecting or testing the devices as required by law, to recover the~~  
7 ~~costs of inspecting or testing weighing and measuring devices~~  
8 ~~required of the county sealer pursuant to Section 12210, and to~~  
9 ~~recover the cost of carrying out Section 12211.~~

10 (b) ~~Except as otherwise provided in this section, the device~~  
11 ~~registration fee shall not exceed the amount prescribed in the Table~~  
12 ~~of Maximum Annual Charges set forth in subdivision (f).~~

13 (c) ~~The county may collect the fees biennially, in which case~~  
14 ~~they shall not exceed twice the amount of an annual fee. The~~  
15 ~~ordinance shall be adopted pursuant to Article 7 (commencing~~  
16 ~~with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title~~  
17 ~~2 of the Government Code.~~

18 (d) ~~Retail gasoline pump meters, for which the above fees are~~  
19 ~~assessed, shall be inspected as frequently as required by~~  
20 ~~regulation, but not less than once every two years.~~

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

24 (f) ~~Table of Maximum Annual Charges:~~

25

| 26 Number of | —     | Charge Per |
|--------------|-------|------------|
| 27 Devices   |       | Location   |
| 28 1 to 3    | ..... | — \$ 40    |
| 29 4 to 9    | ..... | — \$ 80    |



|   |                     |                  |                   |
|---|---------------------|------------------|-------------------|
| 1 | <del>10 to 19</del> | <del>.....</del> | <del>—\$120</del> |
| 2 | <del>20 to 25</del> | <del>.....</del> | <del>—\$160</del> |
| 3 | <del>Over 25</del>  | <del>.....</del> | <del>—\$200</del> |

4  
5     ~~(g) For marinas, mobilehome parks, recreational vehicle parks,~~  
6 ~~and apartment complexes, where the owner of the marina, park, or~~  
7 ~~complex owns and is responsible for the utility meters, the annual~~  
8 ~~fee shall not exceed sixty dollars (\$60) per marina, park, or~~  
9 ~~complex, and a fee of up to two dollars (\$2) per device per space~~  
10 ~~or apartment. Marinas, mobilehome parks, recreational vehicle~~  
11 ~~parks, and apartment complexes for which the above fees are~~  
12 ~~assessed shall be inspected and tested as frequently as required by~~  
13 ~~regulation.~~

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

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

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

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

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

29     ~~(m) This section does not apply to a flow sensor device that~~  
30 ~~meets the standards of the California Plumbing Code (Chapter 29~~  
31 ~~(commencing with Section 2901) of Title 24 of the California~~  
32 ~~Code of Regulations) and the American Water Works Association~~  
33 ~~and is located downstream from a water meter.~~

34     ~~SEC. 2.—~~

35     ~~SECTION 1. Section 110 of the Water Code is amended to~~  
36 ~~read:~~

37     110. (a) Notwithstanding any other provision of law, every  
38 water purveyor who sells, leases, rents, furnishes, or delivers water  
39 service to any person shall require, as a condition of new water  
40 service on and after January 1, 1992, that a suitable water meter to



1 measure the water service shall be installed on the water service  
2 facilities in accordance with Chapter 8 (commencing with Section  
3 500). The cost of installation of the meter shall be paid by the user  
4 of the water, and any water purveyor may impose and collect  
5 charges for those costs.

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

15 (c) For the purposes of this section, “water purveyor,”  
16 “person,” “water service,” and “water meter” have the same  
17 meaning as defined in Article 2 (commencing with Section 510)  
18 of Chapter 8.

19 (d) Subdivisions (a) and (b) apply only to potable water.

20 (e) Subdivisions (a) and (b) do not apply to a community water  
21 system which serves fewer than 15 service connections used by  
22 yearlong residents or regularly serves fewer than 25 yearlong  
23 residents, or a single well which services the water supply of a  
24 single family residential home.

25 ~~SEC. 3.—~~

26 SEC. 2. Section 110.5 is added to the Water Code, to read:

27 110.5. The owner or operator of a multiunit residential  
28 structure without water submeters may charge tenants separately  
29 for water and sewer service as determined by an allocation formula  
30 that reflects the square footage of the unit or the number of tenants  
31 residing in the unit.

32 ~~SEC. 4.—Section 530 of the Water Code is amended to read:~~

33 ~~530.—(a) Domestic cold water meters shall be in compliancee  
34 with relevant standards of the American Water Works Association  
35 and shall be of the type approved by the Director of Food and  
36 Agriculture pursuant to Section 12500.5 of the Business and  
37 Professions Code.~~

38 ~~(b) Notwithstanding any other provision of law, for the  
39 purposes of submetering water usage, a flow sensor device that is  
40 located downstream from a water meter is lawful if it meets the~~



1 ~~standards of the California Plumbing Code (Chapter 29~~  
2 ~~(commencing with Section 2901) of Title 24 of the California~~  
3 ~~Code of Regulations) and the American Water Works Association.~~  
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