

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

FILED SENATE
Apr 2, 2013
S.B. 661
PRINCIPAL CLERK

S

D

SENATE DRS15212-LM-92C (03/04)

Short Title: Public Utility/HOA Exemption. (Public)

Sponsors: Senator Kinnaird (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING THAT A WATER, SEWER, ELECTRIC, THERMAL, OR A
3 CENTRAL DISTRICT HEATING AND COOLING SYSTEM OWNED OR LEASED BY
4 A HOMEOWNERS ASSOCIATION OR A COMMERCIAL ASSOCIATION THAT
5 PROVIDES WATER, SEWER, ELECTRIC, OR THERMAL SERVICE, OR ANY
6 COMBINATION OF THESE SERVICES, ONLY TO MEMBERS OR LEASEHOLDS OF
7 MEMBERS IS NOT A PUBLIC UTILITY.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 62-3 reads as rewritten:

10 "§ 62-3. Definitions.

11 As used in this Chapter, unless the context otherwise requires, the term:

12 ...
13 (23)

14 ...
15 d.

16 The term "public utility," except as otherwise expressly provided in
17 this Chapter, shall not include a municipality, an authority organized
18 under the North Carolina Water and Sewer Authorities Act, electric
19 or telephone membership corporation; or any person not otherwise a
20 public utility who furnishes such service or commodity only to
21 himself, his employees or tenants when such service or commodity is
22 not resold to or used by others; provided, however, that any person
23 other than a nonprofit organization serving only its members, who
24 distributes or provides utility service to his employees or tenants by
25 individual meters or by other coin-operated devices with a charge for
26 metered or coin-operated utility service shall be a public utility
27 within the definition and meaning of this Chapter with respect to the
28 regulation of rates and provisions of service rendered through such
29 meter or coin-operated device imposing such separate metered utility
30 charge. If any person conducting a public utility shall also conduct
31 any enterprise not a public utility, such enterprise is not subject to the
32 provisions of this Chapter. A water or sewer system owned by a
33 homeowners' association that provides water or sewer service only to
34 members or leaseholds of members water, sewer, electric, thermal, or
35 a Central District Heating and Cooling (CCHP) system owned or
36 leased by a homeowners association or a commercial association that
provides water, sewer, electric, or thermal service, or any



1 combination of these services, only to members or leaseholds of
2 members is not subject to the provisions of this Chapter.

3 "

4 **SECTION 2.** This act is effective when it becomes law.