

SENATE No. 780

The Commonwealth of Massachusetts

SENATE, July 22, 1958.

The committee on Ways and Means, to whom was committed the House Bill further regulating the testing of water meters (House, No. 77), report recommending that the same ought to pass, — with an amendment substituting a new draft with the same title (Senate, No. 780).

For the committee,

RALPH C. MAHAR.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Eight.

AN ACT FURTHER REGULATING THE TESTING OF WATER METERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 40 of the General Laws is hereby
2 amended by inserting after section 39H the following section:—
3 *Section 39I.* Any person using water supplied by a city,
4 town or district, measured by a meter, shall be entitled to an
5 examination and test of such meter to determine the accuracy
6 of the same in any quarter or period, upon written application
7 therefor, which shall be made before the expiration of the
8 time when the rate for such quarter or period is required to
9 be paid, to the board, commissioner or officer in charge of the
10 water works of the city, town or district. Such examination
11 and test shall be made by a competent person employed by
12 the city, town or district. A written report of the result of
13 the examination and test shall be furnished to the person making
14 the application, and if it appears that the meter has registered
15 with substantial accuracy, the expense of the examination and
16 test shall be paid by the person applying therefor, and in no
17 case shall the expense so required to be paid exceed three dollars
18 for each examination and test, but if it appears that the meter
19 has not registered with two per cent accuracy and that the person
20 has been charged with, or has paid for, more water than he
21 should have been charged with or should have paid for, the
22 amount of such excess shall forthwith be credited to such person
23 or remitted to him if he has paid the same, and the expense of the
24 examination and test shall be borne by the city, town or district
25 supplying the water; if, however, it appears that the person
26 has been charged with, or has paid for, less water than he should
27 have been charged with or should have paid for, he shall forth-
28 with be charged with the proper additional amount and shall pay

29 the same, together with the expense of the examination and
30 test, to the city, town or district supplying the water.

1 SECTION 2. Section 2 of chapter 165, as appearing in the
2 Tercentenary Edition, is hereby further amended by striking
3 out, in lines five and six, the words "one hundred and twenty
4 and one hundred and twenty-one."

1 SECTION 3. Chapter 165 of the General Laws is hereby
2 amended by striking out section 10, as appearing in the Tercen-
3 tenary Edition, and inserting in place thereof the following
4 section:—

5 *Section 10.* A customer of a company or corporation sub-
6 ject to this chapter, or such company or corporation, may apply
7 to the department for an examination and test of any water
8 meter to determine the accuracy of the same. The department
9 shall forthwith cause such examination and test as in its judgment
10 is practicable and reasonable to be made by a competent and
11 disinterested person, and shall furnish to the company or cor-
12 poration and to the customer a certificate of the result and
13 expense thereof. The person designated to make such examina-
14 tion and test may at any reasonable time enter upon the premises
15 where the meter to be inspected is placed for the purpose of mak-
16 ing the inspection. If upon examination and test, it appears the
17 appliance does not register correctly, the department may order
18 the company or corporation to correct or remove such meter and
19 substitute a correct meter. The department may establish such
20 rules and regulations, fix such standards, prescribe such fees,
21 and employ such means and methods in, and in connection with,
22 such examinations and tests of water meters as it deems most
23 practicable, expedient and economical, and may purchase such
24 materials, apparatus and standard measuring instruments for
25 such examinations and tests as it deems necessary. All fees
26 for examination and tests shall be in the first instance paid by
27 the person, company or corporation making the application
28 therefor; but if the examination or test is made at the request
29 of the customer, and the meter is found to be incorrect because
30 too fast, the company or corporation shall pay such fees to the
31 department, to be repaid by it to the applicant. Whoever being

32 engaged in the sale of water maintains upon the premises of a
33 customer for the purpose of determining the charge to be made
34 for water supplied to him a meter which is found upon examina-
35 tion and test to register incorrectly as against such customer, shall
36 refund to him such an amount as if not agreed upon, shall, upon
37 application of the customer and after opportunity given to the
38 vendor to be heard, be determined by the department. A meter
39 shall be deemed to be correct for the purposes of this section if
40 it appears from such examination or test that it does not vary
41 more than two per cent from the standard approved by the de-
42 partment. This section shall not authorize or prohibit differen-
43 tial prices for water supplied by any such company or corpora-
44 tion.