



AN ACT GENERALLY REVISING UTILITY LAWS; REVISING LAWS RELATED TO ENERGY USE DISCLOSURE AND UTILITY LIABILITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Utility disclosure required -- definition. (1) Except as provided in subsection (3), a utility shall provide the average annual energy use for a property.

(2) Average annual energy use must:

(a) be calculated using an average of the past 12 months of usage on a property and the rates currently in effect;

(b) include the electricity, natural gas, or both used on the property based on meters used for measuring or registering utility service; and

(c) be expressed in dollars.

(3) (a) A utility may not make public or otherwise disclose personal information protected by an individual privacy interest or information of a personal nature that would constitute a clearly unwarranted invasion of personal privacy.

(b) A utility may provide the information required pursuant to subsection (1) only to a person or entity owning the property or representing the person or entity or to a person involved in a real estate-related transaction on the property.

(4) As used in [sections 1 and 2], the following definitions apply:

(a) "Real estate-related transaction" means any of the following:

(i) the making or purchasing of loans or providing other financial assistance:

(A) for purchasing, constructing, improving, repairing, or maintaining a housing accommodation or property; or

(B) secured by real estate; or

(ii) the selling, leasing, brokering, or appraising of real property.

(b) "Utility" means any public utility regulated by the commission pursuant to Title 69, chapter 3, that provides electricity or natural gas for sale to customers.

Section 2. Utility -- liability. A utility is liable for direct damages resulting from a discontinuance of utility service caused by breach of a continuous service agreement.

Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 69, chapter 3, and the provisions of Title 69, chapter 3, apply to [sections 1 and 2].

Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 5. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 6. Effective date. [This act] is effective on passage and approval.

Section 7. Applicability. [This act] applies to damage to property that occurs on or after [the effective date of this act].

- END -

I hereby certify that the within bill,
HB 0477, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2013.

President of the Senate

Signed this _____ day
of _____, 2013.

HOUSE BILL NO. 477

INTRODUCED BY T. BERRY

AN ACT GENERALLY REVISING UTILITY LAWS; REVISING LAWS RELATED TO ENERGY USE DISCLOSURE AND UTILITY LIABILITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.