

1 HOUSE BILL NO. 477  
2 INTRODUCED BY T. BERRY  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING UTILITY LAWS; REVISING LAWS  
5 RELATED TO ENERGY USE DISCLOSURE, DISCONNECTION NOTICES, AND UTILITY LIABILITY;  
6 REQUIRING A UTILITY TO DISCLOSE ENERGY USE; ESTABLISHING NOTICE REQUIREMENTS FOR  
7 UTILITY DISCONNECTION; MAKING A UTILITY LIABLE FOR DAMAGE OCCURRING AS A RESULT OF  
8 FAILURE TO FOLLOW DISCONNECTION NOTICE REQUIREMENTS; PROHIBITING A UTILITY FROM  
9 LIMITING LIABILITY FROM BREACH OF CONTRACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE  
10 AND AN APPLICABILITY DATE."

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

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14 NEW SECTION. Section 1. Utility disclosure required -- definition. (1) Except as provided in  
15 subsection (4) (3), a utility shall provide the following information if requested:

16 (a) the average annual energy use for a property with the consent of a customer receiving utility  
service at the property; or,

17 ~~(b) in accordance with subsection (3), a detailed monthly breakdown of energy use for a property.~~

18 (2) Average annual energy use must:

19 (a) be calculated using the past 12 months of usage on a property and the rates, then

20 in effect;

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

23 (c) be expressed in dollars.

24 ~~(3) A detailed monthly breakdown of energy use is the same as a monthly bill.~~

25 ~~(4)~~(3) A utility may not make public or otherwise disclose personal information protected by an individual  
26 privacy interest or information of a personal nature that would constitute a clearly unwarranted invasion of  
27 personal privacy.

28 ~~(5)~~(4) As used in ~~[sections 1 through 3]~~ THIS SECTION, "utility" means any public utility regulated by the  
29 commission pursuant to Title 69, chapter 3, ~~municipally owned utility, or cooperative utility~~ that provides electricity  
30 or natural gas for sale to customers.

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~~NEW SECTION. Section 2. Utility disconnect notice. A utility shall provide notification of disconnection or termination of electric or gas service in writing at least 5 days in advance to the person responsible for electric costs, natural gas costs, or both, as well as to a designated third party if the person provides an authorization for disclosure.~~

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~~NEW SECTION. Section 3. Utility liability. (1) If property is damaged because a utility fails to comply with the requirements of [section 2], the utility is liable to the owner of the property for the entire cost of repairing the property.~~

~~(2) A utility is liable for damage caused by a break in service, including but not limited to a break in service caused by failure to comply with the requirements of [section 2], or for gross negligence, whether express or implied.~~

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NEW SECTION. Section 2. Codification instruction. [Sections 1 through 3] are [SECTION 1] is intended to be codified as an integral part of Title 69, chapter 3, and the provisions of Title 69, chapter 3, apply to [sections 4 through 3] [SECTION 1].

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~~NEW SECTION. Section 5. 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.~~

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~~NEW SECTION. Section 6. 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].~~

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NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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~~NEW SECTION. Section 9. Applicability. [This act] applies to:~~

~~(1) disconnections on or after [the effective date of this act]; and~~

~~(2) damage to a property that occurs on or after [the effective date of this act].~~

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