

HOUSE BILL NO. 484

INTRODUCED BY S. LAVIN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO UTILITY SERVICE BILLING;
5 REQUIRING THE ASSIGNMENT OF UTILITY SERVICE BILLING AND THE DISCLOSURE OF CERTAIN
6 BILLING INFORMATION TO CERTAIN PROPERTY OWNERS; REQUIRING COUNTIES, CONSOLIDATED
7 CITIES AND COUNTIES, AND DISTRICTS THAT PROVIDE WATER OR SEWER SERVICE TO ASSIGN
8 UTILITY SERVICE BILLING AND PROVIDE CERTAIN BILLING INFORMATION TO CERTAIN PROPERTY
9 OWNERS; ALLOWING PROPERTY OWNERS TO PAY CERTAIN DELINQUENT UTILITY SERVICE BILLS AND
10 COLLECT THAT AMOUNT FROM TENANTS; REQUIRING MUNICIPAL UTILITIES THAT PROVIDE WATER
11 AND SEWER SERVICE TO ASSIGN UTILITY SERVICE BILLING AND PROVIDE CERTAIN BILLING
12 INFORMATION TO CERTAIN PROPERTY OWNERS; REQUIRING RURAL ELECTRIC COOPERATIVES TO
13 PROVIDE CERTAIN COOPERATIVE BILLING AND PAYMENT INFORMATION TO PROPERTY OWNERS;
14 REQUIRING PUBLIC UTILITIES TO PROVIDE CERTAIN BILLING AND PAYMENT INFORMATION TO
15 PROPERTY OWNERS; AMENDING SECTION 69-3-222, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
16 DATE AND AN APPLICABILITY DATE."

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

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20 NEW SECTION. **Section 1. Definitions.** As used in [sections 1 and 2], unless the context requires
21 otherwise, the following definitions apply:

22 (1) "Property owner" means a person or entity of record owning property or representing a person or
23 entity owning property, including a person or entity involved in property management as defined in 37-51-602 or
24 a landlord as defined in 70-33-103.

25 (2) "Utility" means a county, consolidated city and county, or water or sewer district as defined in Title
26 7, chapter 13, parts 22 and 23, that owns, operates, or controls any plant or equipment, any part of a plant or
27 equipment, or any water right within the state for the production, delivery, or furnishing of water, for or to other
28 persons, firms, associations, or corporations, for business, manufacturing, household use, or sewerage service.

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30 NEW SECTION. **Section 2. County and district utility disclosure requirements.** (1) (a) Except as

1 provided in subsection (1)(b), when requested by a property owner, a utility shall provide utility service billing
2 information to a property owner.

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

6 (2) (a) Except as provided in subsection (2)(b), a utility shall assign utility service billing to a property
7 owner.

8 (b) When requested by a property owner, the utility shall send utility service billing to the tenant at the
9 property address who holds a valid rental or lease agreement with the property owner, and the tenant is
10 responsible for payment.

11 (3) (a) If a tenant at the property address who holds a valid rental or lease agreement with the property
12 owner fails to pay the utility service bill within 30 days after the billing due date and the bill becomes delinquent,
13 the utility shall send the utility service bill to the property owner.

14 (b) If the property owner receives a utility service bill in accordance with subsection (3)(a), the property
15 owner may pay the utility service bill and any late charges.

16 (c) The property owner may charge the tenant to recover the costs of paying the utility service bill and
17 any late charges in accordance with subsection (3)(b).

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19 **NEW SECTION. Section 3. Definitions.** As used in [sections 3 and 4], unless the context requires
20 otherwise, the following definitions apply:

21 (1) "Property owner" means a person or entity of record owning property or representing the person or
22 entity owning the property, including a person or entity involved in property management as defined in 37-51-602
23 or a landlord as defined in 70-33-103.

24 (2) "Utility" means a municipality that owns, operates, or controls any plant or equipment, any part of a
25 plant or equipment, or any water right within the state for the production, delivery, or furnishing of water, for or
26 to other persons, firms, associations, or corporations, for business, manufacturing, household use, or sewerage
27 service.

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29 **NEW SECTION. Section 4. Municipal utility disclosure requirements.** (1) (a) Except as provided in
30 subsection (1)(b), when requested by a property owner, a utility shall provide utility service billing information to

1 a property owner.

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

5 (2) (a) Except as provided in subsection (2)(b), a utility shall assign utility service billing to a property
6 owner.

7 (b) When requested by a property owner, the utility shall send utility service billing to the tenant at the
8 property address who holds a valid rental or lease agreement with the property owner, and the tenant is
9 responsible for payment.

10 (3) (a) If a tenant at the property address who holds a valid rental or lease agreement with the property
11 owner fails to pay the utility service bill within 30 days after the billing due date and the bill becomes delinquent,
12 the utility shall send the utility service bill to the property owner.

13 (b) If the property owner receives a utility service bill in accordance with subsection (3)(a), the property
14 owner may pay the utility service bill and any late charges.

15 (c) The property owner may charge the tenant to recover the costs of paying the utility service bill and
16 any late charges in accordance with subsection (3)(b).

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18 **NEW SECTION. Section 5. Electric cooperative disclosure requirements.** (1) (a) Except as provided
19 in subsection (1)(b), when requested by a property owner, an electric cooperative established pursuant to this
20 chapter shall provide to the property owner billing service records, including payment records, received from a
21 tenant at the property address who holds a valid rental or lease agreement with the property owner.

22 (b) An electric cooperative may not make public or otherwise disclose personal information protected
23 by an individual privacy interest or information of a personal nature that would constitute a clearly unwarranted
24 invasion of personal privacy.

25 (2) For the purposes of this section, "property owner" means a person or entity of record owning property
26 or representing a person or entity owning property, including a person or entity involved in property management
27 as defined in 37-51-602 or a landlord as defined in 70-33-103.

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29 **Section 6.** Section 69-3-222, MCA, is amended to read:

30 **"69-3-222. Utility disclosure required -- definition.** (1) Except as provided in subsection (3), a utility

1 shall provide the average annual energy use for a property.

2 (2) Average annual energy use must:

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

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

7 (c) be expressed in dollars.

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

11 (b) A utility may provide the information required pursuant to subsection (1) only to a person or entity
12 owning the property or representing the person or entity owning the property, to a landlord as defined in
13 70-33-103, or to a person involved in a real estate-related transaction on the property.

14 (4) Except as provided in subsection (3)(a), when requested by a person or entity owning the property
15 or a landlord as defined in 70-33-103, a utility shall provide to the person or entity owning the property or
16 representing the person or entity owning the property or to the landlord billing service records, including payment
17 records, received from a tenant at the property address who holds a valid rental or lease agreement with the
18 person or entity owning the property or representing the person or entity owning the property or with the landlord.

19 ~~(4)~~(5) As used in 69-3-223 and this section, the following definitions apply:

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

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

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

24 (B) secured by real estate; or

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

26 (b) "Utility" means any public utility regulated by the commission pursuant to Title 69, chapter 3, that
27 provides electricity or natural gas for sale to customers."
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29 **NEW SECTION. Section 7. Codification instruction.** (1) [Sections 1 and 2] are intended to be codified
30 as an integral part of Title 7, chapter 13, part 22, and the provisions of Title 7, chapter 13, part 22, apply to

1 [sections 1 and 2].

2 (2) [Sections 3 and 4] are intended to be codified as an integral part of Title 69, chapter 7, part 2, and
3 the provisions of Title 69, chapter 7, part 2, apply to [sections 3 and 4].

4 (3) [Section 5] is intended to be codified as an integral part of Title 35, chapter 18, part 3, and the
5 provisions of Title 35, chapter 18, part 3, apply to [section 5].

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7 **NEW SECTION. Section 8. Severability.** If a part of [this act] is invalid, all valid parts that are severable
8 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
9 remains in effect in all valid applications that are severable from the invalid applications.

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11 **NEW SECTION. Section 9. Saving clause.** [This act] does not affect rights and duties that matured,
12 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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14 **NEW SECTION. Section 10. Effective date.** [This act] is effective on passage and approval.

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16 **NEW SECTION. Section 11. Applicability.** [This act] applies to utility service billing on or after [the
17 effective date of this act].

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