

HOUSE BILL NO. 477

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), a utility shall provide the following information if requested:

- 16 (a) the average annual energy use for a 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 an average of the past 12 months of usage on a property and the rates currently
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) 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) As used in [sections 1 through 3], "utility" means any public utility regulated by the commission
29 pursuant to Title 69, chapter 3, municipally owned utility, or cooperative utility that provides electricity or natural
30 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.

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.

NEW SECTION. Section 4. Codification instruction. [Sections 1 through 3] 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 through 3].

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.

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].

NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 8. 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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