

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 UTILITY LIABILITY; AND PROVIDING AN  
10 IMMEDIATE EFFECTIVE DATE ~~AND AN APPLICABILITY DATE~~ 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; ~~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)~~(3) (A) A utility may not make public or otherwise disclose personal information protected by an  
26 individual privacy interest or information of a personal nature that would constitute a clearly unwarranted invasion  
27 of personal privacy.

28 (B) A UTILITY MAY PROVIDE THE INFORMATION REQUIRED PURSUANT TO SUBSECTION (1) ONLY TO A PERSON OR  
29 ENTITY OWNING THE PROPERTY OR REPRESENTING THE PERSON OR ENTITY OR TO A PERSON INVOLVED IN A REAL  
30 ESTATE-RELATED TRANSACTION ON THE PROPERTY.



1           ~~(5)(4)~~ As used in ~~{sections 1 through 3}~~ THIS SECTION, "utility" [SECTIONS 1 AND 2], THE FOLLOWING  
2 DEFINITIONS APPLY:

3           (A) "REAL ESTATE-RELATED TRANSACTION" MEANS ANY OF THE FOLLOWING:

4           (I) THE MAKING OR PURCHASING OF LOANS OR PROVIDING OTHER FINANCIAL ASSISTANCE:

5           (A) FOR PURCHASING, CONSTRUCTING, IMPROVING, REPAIRING, OR MAINTAINING A HOUSING ACCOMMODATION  
6 OR PROPERTY; OR

7           (B) SECURED BY REAL ESTATE; OR

8           (II) THE SELLING, LEASING, BROKERING, OR APPRAISING OF REAL PROPERTY.

9           (B) "UTILITY" means any public utility regulated by the commission pursuant to Title 69, chapter 3,  
10 ~~municipally owned utility, or cooperative utility~~ that provides electricity or natural gas for sale to customers.

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

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

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

23  
24           NEW SECTION. SECTION 2. UTILITY -- LIABILITY. A UTILITY IS LIABLE FOR DIRECT DAMAGES RESULTING FROM  
25 A DISCONTINUANCE OF UTILITY SERVICE CAUSED BY BREACH OF A CONTINUOUS SERVICE AGREEMENT.

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27           NEW SECTION. Section 3. Codification instruction. ~~{Sections 1 through 3}~~ are [SECTION 1] IS  
28 [SECTIONS 1 AND 2] ARE intended to be codified as an integral part of Title 69, chapter 3, and the provisions of Title  
29 69, chapter 3, apply to ~~{sections 1 through 3}~~ [SECTION 1] [SECTIONS 1 AND 2].

30

1 ~~NEW SECTION. **Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are severable~~  
 2 ~~from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part~~  
 3 ~~remains in effect in all valid applications that are severable from the invalid applications.~~

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 5 ~~NEW SECTION. **Section 6. Saving clause.** [This act] does not affect rights and duties that matured,~~  
 6 ~~penalties that were incurred, or proceedings that were begun before [the effective date of this act].~~

7  
 8 NEW SECTION. **SECTION 4. SEVERABILITY.** IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE  
 9 SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS  
 10 APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID  
 11 APPLICATIONS.

12  
 13 NEW SECTION. **SECTION 5. SAVING CLAUSE.** [THIS ACT] DOES NOT AFFECT RIGHTS AND DUTIES THAT  
 14 MATURED, PENALTIES THAT WERE INCURRED, OR PROCEEDINGS THAT WERE BEGUN BEFORE [THE EFFECTIVE DATE OF THIS  
 15 ACT].

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 17 NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

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 19 NEW SECTION. **SECTION 7. APPLICABILITY.** [THIS ACT] APPLIES TO DAMAGE TO PROPERTY THAT OCCURS ON  
 20 OR AFTER [THE EFFECTIVE DATE OF THIS ACT].

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 22 ~~NEW SECTION. **Section 8. Applicability.** [This act] applies to:~~  
 23 ~~(1) disconnections on or after [the effective date of this act]; and~~  
 24 ~~(2) damage to a property that occurs on or after [the effective date of this act].~~

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