

First Extraordinary Session, 2005

SENATE BILL NO. 94

BY SENATOR N. GAUTREAUX

CONSUMERS/PROTECTION. Provides protections from utility payments for consumers whose property is damaged in an area declared a state of emergency or disaster. (gov sig)

1 AN ACT

2 To enact R.S. 51:1425, relative to consumer protection; to provide for unfair trade practices
3 and consumer protection; to provide relief for consumers following a declared state
4 of emergency or disaster; to provide for utility charges following a declared state of
5 emergency or disaster; to provide for calculation of charges under certain conditions;
6 to provide for penalties; provides for retroactive application; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 51:1425 is hereby enacted to read as follows:

10 **§1425. Consumer protection; declared state of emergency or disaster; utility**
11 **charges**

12 **A. It is unlawful for any person furnishing gas or water to consumers,**
13 **to be paid by meter measure, to bill more than the average of the consumer's**
14 **previous three months charges when:**

15 **(1) The consumer's gas or water services are located in an area in which**
16 **the governor has declared a state of emergency or disaster in accordance with**
17 **the Louisiana Homeland Security and Emergency Assistance and Disaster Act,**

1 **R.S. 29:721, et seq.**

2 **(2) The consumer's gas or water services were allowed to run unabated**
3 **due to damage caused as a result of the declared state of emergency or disaster.**

4 **(3) The consumer shall provide written or verbal notification to the**
5 **utility within fourteen days following inspection of the premises and discovery**
6 **of the damage which caused either the gas or water service to run unabated.**
7 **The person providing the gas or water service shall presumed to be notified of**
8 **the damage to the consumer's premises if the consumer's gas or water charges**
9 **are in excess of two times the average billed rate following the declared state of**
10 **emergency or disaster.**

11 **B. The provisions of this Section shall only apply to the consumer's gas**
12 **or water bill for the month immediately following the declared state of**
13 **emergency or disaster which caused the damage to the consumer's premises.**

14 **C. Any violation of this Section shall be a deceptive and unfair trade**
15 **practice and shall subject the violator to any and all penalties provided for in**
16 **this Chapter.**

17 Section 2. The provisions of this Act shall be given retroactive application to August
18 29, 2005.

19 Section 3. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
23 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jeffery T. Oglesbee.

DIGEST

Proposed law prohibits any person furnishing either gas or water services, to be billed by meter measure, to bill a consumer more than the average of the consumer's previous three months charges when:

1. The consumer's gas or water services are located in an area in which the governor has declared a state of emergency or disaster in accordance with the Louisiana

- Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq.
2. The consumer's gas or water services were allowed to run unabated due to damage caused as a result of the declared state of emergency or disaster.
 3. The consumer must provide either written or verbal notification to the utility within fourteen days following inspection of the premises and discovery of the damage which caused either the gas or water service to run unabated. The person providing the gas or water service will be presumed to be notified of the damage to the consumer's premises if the consumer's gas or water charges are in excess of two times the average billed rate following the declared state of emergency or disaster.

Proposed law will only apply to the consumer's gas or water bill for the month immediately following the declared state of emergency or disaster which caused the damage to the consumer's premises.

Proposed law provides that any violation will be a deceptive and unfair trade practice and will subject the violator to any and all penalties provided for by the unfair trade practices and consumer protection law.

Proposed law will be applied retroactively to August 29, 2005.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 51:1425)