

By: Simpson

H.B. No. 1171

A BILL TO BE ENTITLED

AN ACT

relating to civil liability for certain damages caused by advanced meters.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 39.107, Utilities Code, is amended by adding Subsections (k) and (l) to read as follows:

(k)(1) In this subsection, "property damage" includes:

(A) an invasion of personal privacy; and

(B) economic damage caused by the loss, misuse or theft of data that is acquired by use of an advanced meter and belongs to a customer under this section.

(2) This subsection applies to an electric utility or transmission and distribution utility that receives from the commission approval of the utility's plan for deploying advanced meters that transmit data using wireless technology, if the plan does not:

(A) allow each customer scheduled to receive an advanced meter under the plan to decline, without charge, to have the advanced meter installed; or

(B) allow each customer that is using an installed advanced meter to choose to have the meter removed, without charge.

(3) An electric utility or a transmission and distribution utility described by subsection (2) is civilly liable

1 to a customer for personal injury, property damage or death arising
2 out of the use of an advanced meter.

3 (1) An electric utility or transmission and distribution
4 utility that receives from the commission approval of the utility's
5 plan for deploying advanced meters shall send by mail to each
6 customer scheduled to receive an advanced meter under the plan a
7 notice to inform the customer that the customer may decline,
8 without charge, to have the advanced meter installed and of the
9 manner in which and date by which the customer must decline
10 installation. An electric utility or transmission and distribution
11 utility that has deployed advanced meters under a plan approved by
12 the commission shall send by mail to each customer that is using an
13 installed advanced meter a notice to inform the customer that the
14 customer may choose to have the meter removed without charge and of
15 the manner in which the customer must choose removal.

16 SECTION 7. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2013.