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

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## 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 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)