

Introduced by

Representative D. Johnston

Senators Clemens, Wobbema

1 A BILL for an Act to create and enact a new section to chapter 49-04.1 of the North Dakota
2 Century Code, relating to the installation of smart meters; and to amend and reenact section
3 49-04.1-01 of the North Dakota Century Code, relating to unauthorized metering.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 49-04.1-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **49-04.1-01. Definitions.**

8 As used in this chapter, unless the context or subject matter otherwise requires:

- 9 1. "Bypassing" means the act of attaching, connecting, or in any manner affixing any
10 wire, cord, socket, motor or other instrument, device, or contrivance to the utility
11 supply system or any part thereof in a manner as to transmit, supply, or use any utility
12 service without passing through an authorized meter for measuring or registering the
13 amount of utility service.
- 14 2. "Customer" means the person responsible for payment for utility services for the
15 premises and includes employees and agents of the customer.
- 16 3. "Smart meter gateway device" means any electronic device producing an electronic
17 signal extending outside the device, which serves as an electric utility load control
18 device, and which is a device ancillary to the electric utility meter located at the end
19 user's residence or business, and the device either:
 - 20 a. Serves as a communications gateway or portal to appliances, equipment, or
21 devices using electricity, water, or gas in the end user's residence or business; or
 - 22 b. Otherwise communicates with appliances, equipment, or devices using electricity,
23 water, or gas in the end user's residence or business.

1 4. "Tampering" means damaging, altering, adjusting, or in any manner interfering with or
2 obstructing the action or operation of any meter provided for measuring or registering
3 the amount of utility service passing through the meter.

4 4.5. "Unauthorized metering" means removing, moving, installing, connecting,
5 reconnecting, or disconnecting any meter or metering device for utility service by a
6 person other than an authorized employee or agent of a utility.

7 5.6. "Utility" means any public utility, municipally owned utility, or cooperative utility which
8 provides electricity, gas, or water, or any combination thereof, for sale to consumers.

9 6.7. "Utility service" means the provision of electricity, gas, water, or any other service or
10 commodity furnished by the utility for compensation.

11 7.8. "Utility supply system" includes all wires, conduits, pipes, cords, sockets, motors,
12 meters, instruments, and all other devices used by the utility for the purpose of
13 providing utility service.

14 **SECTION 2.** A new section to chapter 49-04.1 of the North Dakota Century Code is created
15 and enacted as follows:

16 **Installation of smart meter gateway device - Consent required - Required disclosures.**

17 1. A utility service may not install a smart meter gateway device on or in a person's home
18 or business without providing a form as prescribed under this section which must be
19 signed by the property owner. The form must contain the following statement in at
20 least twelve-point type:

21 a. You may opt-out of the installation of a smart meter gateway device;

22 b. If you choose to opt-out of the installation, service provided by this utility service
23 will not be interrupted or hindered; and

24 c. For your information, a smart meter gateway device is any electronic device
25 producing an electronic signal extending outside the device, which serves as an
26 electric utility load control device, and which is a device ancillary to the electric
27 utility meter located at the end user's residence or business, and the device
28 either:

29 (1) Serves as a communications gateway or portal to appliances, equipment, or
30 devices using electricity, water, or gas in the end user's residence or
31 business; or

- 1 (2) Otherwise communicates with appliances, equipment, or devices using
2 electricity, water, or gas in the end user's residence or business.
- 3 2. Upon first providing services to a person's residence or business, the utility service
4 shall disclose in writing whether a smart meter gateway device has been installed, and
5 if installed, the utility service shall allow the removal of a smart meter gateway device
6 upon written request from the owner of the residence or business. Upon removal, a
7 traditional legacy electromechanical meter must be installed in place of the smart
8 meter gateway device.