

1 HOUSE BILL NO. 760

2 INTRODUCED BY G. NIKOLAKAKOS, E. KERR-CARPENTER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING SOLAR CONSUMER PROTECTION LAWS;
5 PROVIDING A SOLAR BUYER'S RIGHT TO CANCEL; PROVIDING TIMELINES; PROVIDING DEFINITIONS;
6 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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8 WHEREAS, electricity demand is projected to increase over 30% west of the Continental Divide and
9 over 20% in the Western Interconnection region over the next years; and

10 WHEREAS, Montanans have the right to install, interconnect, and use energy generation and storage
11 systems on their property in order to meet their electricity needs, manage their electricity production and
12 consumption, and enhance the reliability and efficiency of the electric grid; and

13 WHEREAS, sales agents and contractors of customer-sited solar energy systems are responsible for
14 accurately representing total cost, equipment and materials, financing terms, and any relevant permitting fees
15 to support customers in making an informed decision; and

16 WHEREAS, it is the intent of the Legislature to establish laws that promote fair dealing, honesty, and
17 transparency between solar energy contractors, solar sales agents, and solar buyers.

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19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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21 NEW SECTION. **Section 1. Definitions.** As used in [sections 1 and 2], unless the context clearly
22 indicates otherwise, the following definitions apply:

23 (1) "Solar buyer" means a person or entity who purchases or considers to purchase a solar energy
24 system located on a residential property that is owned or leased.

25 (2) "Solar energy system" means an assembly of equipment and components that has the primary
26 purpose of converting sunlight into electricity by photovoltaic effect for a resident's use for personal, family, or
27 household purposes. The term includes battery storage.

28 (3) "Solar sales agent" means a person or entity that solicits, offers, negotiates, sells, or executes

1 contracts via door-to-door sales to sell a solar energy system at the direction of, or on behalf of, a solar
2 company.

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5 **NEW SECTION. Section 2. Solar buyer's right to cancel -- prohibition of deceptive statements.**

6 (1) A solar sales agent shall provide a customer with an explanation of the customer's rescission rights written in
7 all capital letters that includes space for the customer to initial a written acknowledgement of having read and
8 understood the explanation that reads as follows:

9 "YOU HAVE THE RIGHT TO CANCEL THIS CONTRACT WITHIN 3 BUSINESS DAYS AFTER YOU
10 SIGN THIS CONTRACT. TO CANCEL, YOU MUST NOTIFY IN WRITING THE PERSON IDENTIFIED FOR
11 THIS PURPOSE IN THIS CONTRACT BY E-MAIL OR BY CERTIFIED POSTAL MAIL".

12 (2) (a) If a solar buyer rescinds an installation contract with a solar company or a solar sales agent
13 representing a solar company within 3 business days following the date on which the solar buyer signed an
14 agreement to purchase and provides their cancellation notice in writing to the solar company or the solar sales
15 agent representing a solar company, the contract is terminated.

16 (b) A solar company or a solar sales agent representing a solar company may not enforce any
17 terms of the rescinded contract and may not file any claims for labor and materials.

18 (3) A solar company or a solar sales agent representing a solar company may not conduct
19 solicitations using any deceptive statement concerning the costs, financing, and terms and conditions of the
20 purchase or installation of a solar energy system.

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22 **NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified
23 as an integral part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [sections 1 and 2].
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25 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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