

House Bill 659

By: Representatives Bannister of the 77<sup>th</sup>, Millar of the 59<sup>th</sup>, Stephens of the 150<sup>th</sup>, Burkhalter of the 41<sup>st</sup>, Harbin of the 113<sup>th</sup> and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 5 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated,  
2 known as the "Natural Gas Competition and Deregulation Act," so as to provide that in any  
3 case where a marketer overcharges a retail customer as determined by an admission of the  
4 marketer or an agreement between the marketer and retail customer as to the amount of  
5 overcharge, the marketer shall be liable to the retail customer in an amount equal to three  
6 times the amount of overcharge which shall be refunded to the customer or credited to the  
7 customer's account; to provide that in any case where a court finds that a marketer has  
8 overcharged a retail customer, the retail customer shall be entitled to recover treble damages  
9 and attorney's fees; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 5 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated, known as the  
13 "Natural Gas Competition and Deregulation Act," is amended by adding between Code  
14 Section 46-4-160 and 46-4-161 a new Code Section 46-4-160.1 to read as follows:

15 "46-4-160.1.

16 (a) In any case where a marketer overcharges a retail customer as determined by an  
17 admission of the marketer or an agreement between the marketer and retail customer as  
18 to the amount of overcharge, the marketer shall be liable to the retail customer in an  
19 amount equal to three times the amount of overcharge which shall be refunded to the  
20 customer or credited to the customer's account.

21 (b) In any case where a court finds that a marketer has overcharged a retail customer, the  
22 retail customer shall be entitled to recover treble damages and attorney's fees."

- 1 **SECTION 2.**
- 2 All laws and parts of laws in conflict with this Act are repealed.