S T A T E O F N E W Y O R K

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I N A S S E M B L Y

April 29, 2010

Introduced by M. of A. TEDISCO, SAYWARD -- Multi-Sponsored by -- M. of A. CROUCH, FINCH -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to the inspection and examination of apparatus by the agent of a utility or municipality and to repeal section 47 of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 47 of the public service law is REPEALED and a new section 47 is added to read as follows:

S 47. INSPECTION AND EXAMINATION OF APPARATUS. 1. EXCEPT WHEN AN EMERGENCY MAY THREATEN THE HEALTH OR SAFETY OF A PERSON, THE SURROUNDING AREA OR THE UTILITY'S OR MUNICIPALITY'S DISTRIBUTION SYSTEM OR WHERE AUTHORIZED BY COURT ORDER, AN AGENT OF A UTILITY OR MUNICIPALITY, OTHERWISE DULY AUTHORIZED TO INSPECT AND EXAMINE APPARATUS MAY NOT ENTER PREMISES, REGARDLESS OF WHETHER SUCH PREMISES ARE LOCKED OR UNLOCKED, WITHOUT PERMISSION OF A PERSON LAWFULLY IN CONTROL OF THE PREMISES, NOR USE ANY MANNER OF FORCE TO CARRY OUT SUCH INSPECTION AND EXAMINATION.

2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, A DULY AUTHORIZED AGENT OF A UTILITY CORPORATION OR MUNICIPALITY MAY ENTER THE COMMON AREA OF A MULTIPLE DWELLING SUPPLIED WITH GAS OR ELECTRICITY BY THE UTILITY CORPORATION OR MUNICIPALITY, FOR THE PURPOSE OF INSPECTING AND EXAMINING THE METERS, PIPES, FITTINGS, WIRES AND OTHER APPARATUS FOR REGULATING, SUPPLYING AND/OR ASCERTAINING THE QUANTITY SUPPLIED, UNDER THE FOLLOWING TERMS AND CONDITIONS:

(A) THE AGENT EXHIBITS A PHOTO-IDENTIFICATION BADGE AND A WRITTEN AUTHORITY SIGNED BY THE PRESIDENT OR VICE-PRESIDENT AND SECRETARY OR ASSISTANT SECRETARY OF THE CORPORATION, OR BY THE MAYOR OR CLERK OF A MUNICIPAL CORPORATION OR BY THE CHAIRPERSON AND SECRETARY OF A MUNICIPAL BOARD IN CONTROL OF A MUNICIPAL UTILITY, AND

(B) ANY SUCH INSPECTION AND EXAMINATION SHALL BE CONDUCTED ON A NON-HOLIDAY WORK DAY BETWEEN EIGHT A.M. AND SIX P.M. OR SUCH OTHER REASONABLE TIME REQUESTED BY THE CUSTOMER, EXCEPT WHEN AN EMERGENCY MAY THREATEN THE HEALTH OR SAFETY OF A PERSON, THE SURROUNDING AREA OR THE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD15916-01-0

UTILITY'S OR MUNICIPALITY'S DISTRIBUTION SYSTEM, OR EXCEPT WHEN THE COMMISSION BY REGULATION ESTABLISHES A DIFFERENT TIME FOR THE INSPECTION AND EXAMINATION WHERE THERE IS EVIDENCE OF METER TAMPERING OR THEFT OF SERVICES.

S 2. This act shall take effect immediately.