

1307

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to requiring annual inspections of manholes, service box covers and utility poles

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

- 1 Section 1. The public service law is amended by adding a new section
2 73 to read as follows:
3 S 73. INSPECTION OF MANHOLE AND SERVICE BOX COVERS. 1. EVERY GAS
4 CORPORATION AND ELECTRIC CORPORATION SHALL ANNUALLY INSPECT, EXAMINE AND
5 MAINTAIN SUCH CORPORATION'S MANHOLES, SERVICE BOX COVERS AND UTILITY
6 POLES TO DETERMINE THE LEVELS OF VOLTAGE CONDUCTED THROUGH SUCH EQUIP-
7 MENT. SUCH INSPECTION SHALL INCLUDE TESTS TO DETERMINE THE PRESENCE OF
8 ANY STRAY VOLTAGE.
9 2. RECORDS OF THE INSPECTION, EXAMINATION AND MAINTENANCE REQUIRED BY
10 THIS SECTION SHALL BE KEPT BY THE GAS CORPORATION OR ELECTRIC CORPO-
11 RATION PERFORMING SUCH REQUIRED INSPECTION. SUCH RECORDS SHALL BE AVAIL-
12 ABLE FOR PUBLIC INSPECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE
13 FREEDOM OF INFORMATION LAW.
14 3. THE COMMISSION SHALL PRESCRIBE SUCH RULES AND REGULATIONS TO CARRY
15 INTO EFFECT THE PROVISIONS OF THIS SECTION AS IT MAY DEEM NECESSARY.
16 4. FAILURE TO COMPLY WITH ANY PROVISION OF THIS SECTION SHALL SUBJECT
17 A GAS CORPORATION OR ELECTRIC CORPORATION TO A CIVIL PENALTY OF UP TO
18 ONE THOUSAND DOLLARS FOR THE FIRST VIOLATION AND UP TO AN ADDITIONAL TWO
19 THOUSAND DOLLARS FOR EACH SUCCEEDING VIOLATION WHICH OCCURS WITHIN A ONE
20 YEAR PERIOD.
21 5. AN ACTION TO RECOVER A PENALTY UNDER THIS SECTION MAY BE BROUGHT IN
22 THE SUPREME COURT IN THE JUDICIAL DISTRICT IN WHICH THE VIOLATION WAS
23 ALLEGED TO HAVE OCCURRED WHICH SHALL BE COMMENCED AND PROSECUTED BY THE
24 ATTORNEY GENERAL. ALL MONEYS RECOVERED IN ANY SUCH ACTION, TOGETHER WITH

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

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1 THE COSTS THEREOF, SHALL BE PAID INTO THE STATE TREASURY TO THE CREDIT
2 OF THE GENERAL FUND.
3 S 2. This act shall take effect on the thirtieth day after it shall
4 have become a law.