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

4483

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. ESPAILLAT, V. LOPEZ, WRIGHT -- Multi-Sponsored by -- M. of A. COLTON, DIAZ, McENENY, TOWNS -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to liability of gas and electric corporations for damages to customers resulting from interruption in service caused by negligence of the corporation

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

Section 1. Subdivision 11 of section 65 of the public service law, as added by chapter 693 of the laws of 1985, is renumbered subdivision 12 and a new subdivision 13 is added to read as follows:

13. (A) EVERY GAS OR ELECTRIC CORPORATION SHALL BE STRICTLY LIABLE FOR ALL DIRECT DAMAGES INCURRED BY RESIDENTIAL AND COMMERCIAL CUSTOMERS RESULTING FROM AN INTERRUPTION OF GAS OR ELECTRIC SERVICE CAUSED BY THE GROSS NEGLIGENCE, RECKLESSNESS OR INTENTIONAL TORTS OF THE GAS OR ELECTRIC CORPORATION INCLUDING ANY EMPLOYEES THEREOF.

(B) THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS PROVIDING (1) FOR GAS AND ELECTRIC CORPORATIONS TO GIVE THEIR CUSTOMERS NOTICE OF THEIR LIABILITY FOR DAMAGES IN CASE OF INTERRUPTIONS OF SERVICE, AND (2) FOR A FAIR AND EXPEDITIOUS PROCEDURE ALLOWING CUSTOMERS TO COLLECT PAYMENT FOR DAMAGES INCURRED IN THE CASE OF GAS OR ELECTRIC CORPORATION LIABILITY IN LIEU OF A COURT ACTION THEREFOR.

S 2. This act shall take effect immediately.

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

LBD07774-01-9