

STATE OF NEW YORK

7395--B

IN SENATE

January 12, 2018

Introduced by Sens. TEDISCO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to authorizing the delivery of liquefied petroleum gas in times of emergency

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 192-e of the agriculture and markets law is amended by adding a new subdivision 6-a to read as follows:

6-a. (a) Notwithstanding any other law, rule or regulation to the contrary, a person, firm, limited liability company or corporation who is not the owner of a liquefied petroleum gas cylinder, container or receptacle may fill, refill or otherwise deliver liquefied petroleum gas into such liquefied petroleum gas cylinder, container or receptacle, provided the entity has appropriate liability insurance equal to or greater than one million dollars, and such cylinder, container or receptacle and devices and associated pipelines operating off of such cylinder, container, or receptacle has been inspected and certified as required by law or regulation by the succeeding entity and the succeeding entity assumes all liability that may result from improper filling and testing of the facility, when:

(i) a residential heating or electric generator consumer has acted in good faith under an existing contract to procure delivery of liquefied petroleum gas from the owner of a liquefied petroleum gas cylinder, container or receptacle, but has not received liquefied petroleum gas within twenty-four hours of an initial request; and

(ii) a federal, state or local state of emergency has been declared; or

(iii) severe weather or any other similar circumstances may result in individuals being placed in imminent danger of death or injury or building structures and/or its fixtures at risk of significant damage; or

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

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1 (iv) exigent circumstances exist when the Federal Motor Carrier Admin-
2 istration has granted a waiver in accordance with 49 CFR Sec.
3 390.23(a)(1) from Parts 390 through 399 of the Federal Motor Carrier
4 Safety Regulations, which includes New York state, from the hours of
5 service limitation rule as it affects propane deliveries; or

6 (v) The New York state department of transportation, pursuant to 17
7 NYCRR 820.6, issues a statewide or regional hours of service limitation
8 waiver.

9 (b) An owner who authorizes a person to fill or refill a container
10 pursuant to this subdivision is not liable for any injury or damage that
11 results from an action of that person while that person is filling or
12 refilling that container pursuant to this subdivision. A person who
13 fills or refills a container pursuant to this subdivision is not liable
14 for any injury or damage that results from the condition of the contain-
15 er.

16 (c) Any person, firm, limited liability company or corporation who
17 fills, refills or otherwise delivers liquefied petroleum gas or owns
18 such a gas cylinder, container or receptacle is not permitted to charge
19 any penalty or fee in addition to any standard filling, refilling or
20 delivery fee pursuant to this subdivision, excluding existing emergency
21 fees.

22 (d) Any person, firm, limited liability company or corporation who
23 fills, refills or otherwise delivers liquefied petroleum gas under this
24 subdivision must notify the tank owner of the name and address of the
25 residential customer, the date and quantity delivered, the pressure test
26 readings and any changes made to the system within forty-eight hours.

27 (e) Nothing in this subdivision shall be deemed to restrict the owner
28 of a liquefied petroleum gas cylinder, container or receptacle from
29 procuring liquefied petroleum gas from any seller.

30 (f) Under any other conditions not listed in this subdivision, any
31 existing contract between the owner of the liquefied petroleum gas
32 cylinder, container or receptacle and the customer remains in force and
33 full effect until the end date of the contract or until it is terminated
34 under options available to either party.

35 § 2. This act shall take effect immediately.