

# STATE OF NEW YORK

8659

2017-2018 Regular Sessions

## IN ASSEMBLY

September 1, 2017

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law and the public service law, in relation to home heating system conversion

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

1 Section 1. Section 778-aa of the general business law is amended by  
2 adding three new subdivisions 3, 4 and 5 to read as follows:

3 3. Prior to the commencement of home heating service by a utility  
4 company, gas corporation, or electric corporation and/or contractor as  
5 defined in section two of the public service law, such entity shall file  
6 a certification with the New York state department of environmental  
7 conservation, and any other municipal entity charged with enforcing  
8 state and local building laws, that all parts of the New York state  
9 building code or any other applicable local building codes relating to  
10 the abandonment, and removal and/or sealing of unused oil tanks, and  
11 subdivision thirteen of section three hundred seventy-eight of the exec-  
12 utive law, have been complied with.

13 4. Failure to file certification as outlined in subdivision three of  
14 this section shall be deemed prima facie evidence of negligence on the  
15 part of the gas corporation, electric corporation, utility company,  
16 and/or contractor installing and/or converting the home heating system,  
17 and such contractor or person shall be liable for any fines, damages, or  
18 injury caused from delivery of home heating oil to an improperly removed  
19 and/or abandoned home heating oil storage tank.

20 5. The commissioner of the department of environmental conservation  
21 shall have the authority to promulgate any regulations necessary to  
22 implement subdivisions three and four of this section.

23 § 2. Section 31 of the public service law is amended by adding a new  
24 subdivision 7 to read as follows:

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

LBD05518-03-7

1     7. No application for service shall be approved unless the gas corpo-  
2     ration, electric corporation or municipality has ensured and certified  
3     to the commissioner of the department of environmental conservation that  
4     all local and state statutes and regulations relating to abandonment,  
5     and removal and/or sealing of unused oil tanks have been complied with  
6     pursuant to section seven hundred seventy-eight-aa of the general busi-  
7     ness law.

8     § 3. This act shall take effect immediately and shall be applicable to  
9     all pipes and tanks newly installed or replaced on or after the effec-  
10    tive date of this act.