

STATE OF NEW YORK

8659--A

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 -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law and the executive 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. Subdivision 1 of section 778-aa of the general business
2 law, as added by chapter 129 of the laws of 1996, is amended to read as
3 follows:

4 1. All home improvement contractors as defined in subdivision five of
5 section seven hundred seventy of this chapter or any other person
6 providing an estimate or engaged in the installation of home heating
7 systems shall include in any estimate of the cost of converting an
8 existing oil home heating system to ~~[either]~~ a natural gas ~~[or]~~ elec-
9 tric or any other home heating system a separate estimate detailing the
10 costs related to the closure, abandonment and/or removal of a home heat-
11 ing oil storage tank. In addition, any person making such estimate shall
12 also provide a copy of any applicable local law, or if there is no local
13 law then such person shall provide a written statement to that effect.

14 § 2. Section 778-aa of the general business law is amended by adding
15 two new subdivisions 3 and 4 to read as follows:

16 3. Following the conversion of an existing home heating system from an
17 oil home heating system to an alternative method of home heating, and
18 prior to the commencement of the new home heating service, the utility
19 company, gas corporation, or electric corporation, as defined in section
20 two of the public service law, or any home improvement contractor who
21 installed the alternate home heating system, shall provide to the home-
22 owner a written copy of the notice created by the department of state

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

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1 pursuant to subdivision four of this section, in no less than 14 point
2 bold type and separate form from any other document provided to such
3 homeowner. The department of state shall have the authority to promul-
4 gate any rules or regulations necessary to implement the provisions of
5 this subdivision.

6 4. The department of state shall create and make available to the
7 public on the department's website a notice informing homeowners who are
8 converting their existing oil home heating system to an alternative
9 method of home heating of the provisions of subdivision thirteen of
10 section three hundred seventy-eight of the executive law, in addition to
11 any other state laws, rules, or regulations related to the closure,
12 abandonment, and/or removal of a heating oil storage tank, including
13 fill and vent pipes and other related materials and equipment. Such
14 notice shall include a requirement that the homeowner must provide writ-
15 ten notice to his or her home heating oil supplier to inform such
16 supplier of such conversion prior to the commencement of the new home
17 heating service, and shall also advise the homeowner that there may be
18 other local laws related to such conversion.

19 § 3. Subdivision 13 of section 378 of the executive law is amended by
20 adding a new paragraph h to read as follows:

21 h. The property owner shall provide written notice to his or her home
22 heating oil supplier or suppliers to inform them of such conversion to
23 an alternate fuel prior to the commencement of the new home heating
24 service.

25 § 4. This act shall take effect on the ninetieth day after it shall
26 have become a law; provided, however, that effective immediately, the
27 addition, amendment, and/or repeal of any rule or regulation necessary
28 for the implementation of this act on its effective date are authorized
29 and directed to be made and completed on or before such date.