

# STATE OF NEW YORK

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3360--A

2019-2020 Regular Sessions

## IN SENATE

February 6, 2019

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Introduced by Sens. GAUGHRAN, BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- 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. Upon entering into an agreement for the conversion of an existing  
17 home heating system from an oil home heating system to an alternative  
18 method of home heating, and prior to the commencement of the new home  
19 heating service, the utility company, gas corporation, or electric  
20 corporation, as defined in section two of the public service law, or any  
21 home improvement contractor installing the alternate home heating  
22 system, shall provide to the homeowner a written copy of the notice  
23 created by the department of state pursuant to subdivision four of this

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

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

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

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

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

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