STATE OF NEW YORK

8964

IN SENATE

September 4, 2020

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public service law, in relation to establishing liability for certain violations by public utility companies, corporations, or persons and the officers thereof

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

Section 1. Subdivisions 2, 3 and 4 of section 25 of the public service law, subdivision 2 and paragraph (a) of subdivision 3 and paragraph (a) of subdivision 4 as amended by chapter 375 of the laws of 1986 and subdivisions 3 and 4 as added by chapter 665 of the laws of 1980, are amended to read as follows:

2. Any public utility company, corporation or person and the officers[~~, agents and employees~~] thereof that [~~knowingly~~] fails or neglects to obey or comply**, or any agents and employees thereof that knowingly fail or neglect to obey or comply,** with a provision of this chapter or an order adopted under authority of this chapter so long as the same shall be in force, shall forfeit to the people of the state of New York a sum not exceeding one hundred thousand dollars constituting a civil penalty for each and every offense and, in the case of a continuing violation, each day shall be deemed a separate and distinct offense.

3. Notwithstanding the provisions of subdivision two of this section, any such public utility company, corporation or person and the officers[~~, agents and employees~~] thereof that [~~knowingly~~] fails or neglects to obey or comply**, or any agents and employees thereof that knowingly fail or neglect to obey or comply,** with a provision of this chapter, or an order or regulation adopted under the authority of this chapter, adopted specifically for the protection of human safety, including but not limited to the commission's code of gas safety regulations shall, if it is determined by the commission that such safety violation caused or constituted a contributing factor in bringing about a death or personal injury, forfeit to the state of New York a sum not to exceed the greater of:

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

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(a) two hundred and fifty thousand dollars constituting a civil penalty for each separate and distinct offense; provided, however, that for purposes of this paragraph each day of a continuing violation shall not be deemed a separate and distinct offense. The total period of a continuing violation, as well as every distinct violation, shall be similarly treated as a separate and distinct offense for purposes of this paragraph; or

(b) the maximum forfeiture determined in accordance with subdivision two of this section.

4. Notwithstanding the provisions of subdivision one or two of this section, a public utility company, corporation or person and the officers[~~, agents and employees~~] thereof that [~~knowingly~~] fails or neglects to obey or comply**, or any agents and employees thereof that knowingly fail or neglect to obey or comply,** with a provision of this chapter, or an order or regulation adopted under authority of this chapter, designed to protect the overall reliability and continuity of electric service, shall forfeit to the state of New York a sum not to exceed the greater of:

(a) five hundred thousand dollars constituting a civil penalty for each separate and distinct offense; provided, however, that for purposes of this paragraph each day of a continuing violation shall not be deemed a separate and distinct offense. The total period of a continuing violation, as well as every distinct violation, shall be similarly treated as a separate and distinct offense for purposes of this paragraph; or

(b) the maximum forfeiture determined in accordance with subdivision two of this section.

§ 2. Subdivision 6 of section 25-a of the public service law, as added by section 2 of part X of chapter 57 of the laws of 2013, is amended to read as follows:

6. Any officer of any combination gas and electric corporation determined by the commission to have violated the provisions of subdivision three, four, or five of this section, and who [~~knowingly~~] violates a provision of this chapter, regulation or an order adopted under authority of this chapter so long as the same shall be in force shall forfeit a sum not to exceed one hundred thousand dollars constituting a civil penalty for each and every offense and, in the case of a continuing violation, each day shall be deemed a separate and distinct offense.

§ 3. This act shall take effect immediately.