STATE OF NEW YORK

1451

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. SANTABARBARA, STECK, J. RIVERA, BRONSON -- read once and referred to the Committee on Agriculture

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. This act shall be known and may be cited as the "propane consumer emergency act".

§ 2. 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

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

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(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

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

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

(b) An owner who authorizes a person to fill or refill a container pursuant to this subdivision is not liable for any injury or damage that results from an action of that person while that person is filling or refilling that container pursuant to this subdivision.

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

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

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

(f) Any existing contract between the owner of the liquefied petroleum gas cylinder, container or receptacle and the customer remains in force and effect until the end date of the contract or until it is terminated under options available to either party and under any other conditions not listed in this subdivision. In all circumstances other than those heretofore described, it is not permissible for any person, firm, limited liability company or corporation to remove or fill any liquefied petroleum from a liquefied petroleum gas cylinder, container or receptacle without the consent of the owner of such liquefied petroleum gas cylinder, container or receptacle.

§ 3. This act shall take effect immediately.