

# STATE OF NEW YORK

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135

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sens. MAYER, ADDABBO, BROOKS, COMRIE, HARCKHAM, HOYLMAN, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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:

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

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

15 3. Notwithstanding the provisions of subdivision two of this section,  
16 any such public utility company, corporation or person and the offi-  
17 cers[~~-, agents and employees~~] thereof that [~~knowingly~~] fails or neglects  
18 to obey or comply, or any agents and employees thereof that knowingly  
19 fail or neglect to obey or comply, with a provision of this chapter, or  
20 an order or regulation adopted under the authority of this chapter,  
21 adopted specifically for the protection of human safety, including but  
22 not limited to the commission's code of gas safety regulations shall, if

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

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1 it is determined by the commission that such safety violation caused or  
2 constituted a contributing factor in bringing about a death or personal  
3 injury, forfeit to the state of New York a sum not to exceed the greater  
4 of:

5 (a) two hundred and fifty thousand dollars constituting a civil penal-  
6 ty for each separate and distinct offense; provided, however, that for  
7 purposes of this paragraph each day of a continuing violation shall not  
8 be deemed a separate and distinct offense. The total period of a contin-  
9 uing violation, as well as every distinct violation, shall be similarly  
10 treated as a separate and distinct offense for purposes of this para-  
11 graph; or

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

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

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

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

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

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

43 § 3. This act shall take effect immediately.