

STATE OF NEW YORK

2469

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. DINOWITZ, SIMON, STERN, TAYLOR, DICKENS, THIELE, BARRON, WEPRIN, ENGLEBRIGHT, LAVINE, SEAWRIGHT, JACOBSON, GALEF, OTIS -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to civil penalties on certain public utility companies, corporations or persons and the officers, agents and employees thereof

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

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

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

12 (a) [~~two hundred and fifty thousand~~] five million dollars constituting
13 a civil penalty for each separate and distinct offense; provided, howev-
14 er, that for purposes of this paragraph each day of a continuing
15 violation shall not be deemed a separate and distinct offense. The total
16 period of a continuing violation, as well as every distinct violation,
17 shall be similarly treated as a separate and distinct offense for
18 purposes of this paragraph; or

19 (a) [~~five hundred thousand~~] ten million dollars constituting a civil
20 penalty for each separate and distinct offense; provided, however, that
21 for purposes of this paragraph each day of a continuing violation shall
22 not be deemed a separate and distinct offense. The total period of a

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

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1 continuing violation, as well as every distinct violation, shall be
2 similarly treated as a separate and distinct offense for purposes of
3 this paragraph; or

4 § 2. Subdivision 3, subparagraph (i) of paragraph (b) of subdivision 4
5 and paragraph (a) of subdivision 5 of section 25-a of the public service
6 law, as added by section 2 of part X of chapter 57 of the laws of 2013,
7 are amended to read as follows:

8 3. Any combination gas and electric corporation determined by the
9 commission to have failed to reasonably comply as shown by a preponder-
10 ance of the evidence with a provision of this chapter, regulation or an
11 order adopted under authority of this chapter so long as the same shall
12 be in force shall forfeit a sum not exceeding the greater of [~~one~~
13 ~~hundred thousand~~] two million dollars or two one-hundredths of one
14 percent of the annual intrastate gross operating revenue of the corpo-
15 ration, not including taxes paid to and revenues collected on behalf of
16 government entities, constituting a civil penalty for each and every
17 offense and, in the case of a continuing violation, each day shall be
18 deemed a separate and distinct offense.

19 (i) [~~two hundred fifty thousand~~] five million dollars or three one-
20 hundredths of one percent of the annual intrastate gross operating
21 revenue of the corporation, not including taxes paid to and revenues
22 collected on behalf of government entities, whichever is greater,
23 constituting a civil penalty for each separate and distinct offense;
24 provided, however, that for purposes of this paragraph, each day of a
25 continuing violation shall not be deemed a separate and distinct
26 offense. The total period of a continuing violation, as well as every
27 distinct violation, shall be similarly treated as a separate and
28 distinct offense for purposes of this paragraph; or

29 (a) [~~five hundred thousand~~] ten million dollars or four one-hundredths
30 of one percent of the annual intrastate gross operating revenue of the
31 corporation, not including taxes paid to and revenues collected on
32 behalf of government entities, whichever is greater, constituting a
33 civil penalty for each separate and distinct offense; provided, however,
34 that for purposes of this paragraph each day of a continuing violation
35 shall not be deemed a separate and distinct offense. The total period of
36 a continuing violation, as well as every distinct violation shall be
37 similarly treated as a separate and distinct offense for purposes of
38 this paragraph; or

39 § 3. This act shall take effect immediately.