STATE OF NEW YORK

10432

IN ASSEMBLY

May 24, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Woerner) -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to fees related to liquified petroleum

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

Section 1. Section 192-e of the agriculture and markets law is amended by adding a new subdivision 10 to read as follows:

10. A seller shall not misrepresent the nature of any fee, nor collect from a consumer:

(a) any governmental, regulatory, environmental, or other similar fee; provided, however, that this subdivision shall not limit the per-gallon price charged by sellers or prohibit collection of any tax allowable under state law;

(b) a minimum usage fee;

(c) a fee for liquified petroleum gas that is not actually delivered to a consumer;

(d) when the liquified petroleum gas tank has been located on the consumer's premises for twelve months or more, regardless of ownership of the premises, a fee related to termination of liquified petroleum gas service, including a fee:

(i) to remove the seller's liquified petroleum gas tank from the premises;

(ii) to pump out or restock liquified petroleum gas; or

(iii) to terminate service;

(e) when the consumer has received liquified petroleum gas service from the seller for less than twelve months, a fee related to termination of service that exceeds the price of labor and materials disclosed in a contract;

(f) a tank rental fee for any period of time after the service has been disconnected by the seller or the consumer has notified the seller that the seller's equipment is no longer connected;

(g) any amounts for the repair of equipment or for any special trip related to the repair of equipment if the equipment owned by a seller

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

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malfunctions through no fault of a consumer or other person authorized to be on the premises;

(h) a delivery fee if the seller fails to make a delivery through no fault of the consumer and the consumer runs out of liquified petroleum gas as a result; or

(i) a fee, the basis of which is not compliant with any applicable statute or rule.

§ 2. This act shall take effect immediately.