STATE OF NEW YORK

8606--A

Cal. No. 1455

IN SENATE

February 21, 2024

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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 four new subdivisions 10, 11, 12 and 13 to read as follows:

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

(a) a special usage fee that is greater than a nominal value. For the purposes of this section, "special usage fee" shall mean a fee charged to a consumer for using less than the minimum amount of liquified petroleum gas as established by the seller. No special usage fee shall be charged except for when: (i) the consumer's usage of liquified petroleum gas is low enough that the seller would otherwise be unable to make a reasonable return on investment for providing liquified petroleum gas service to that consumer; (ii) the special usage fee shall be disclosed in the contract between the seller and the consumer; and (iii) a description of the fee shall be provided on the consumer's bill pursuant to subdivision twelve of this section;

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

(c) a fee related to termination of liquified petroleum gas service at the agreed upon end of contract between the seller and the consumer, 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;

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

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(d) a fee related to termination of liquified petroleum gas service prior to the agreed upon end of a contract between the seller and the consumer, that is (i) greater than a nominal value, or (ii) greater than the cost of labor;

(e) 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;

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

(g) 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

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

11. A seller shall provide a rebate to a consumer equal to the price paid by that consumer for liquified petroleum gas that is removed from a liquified petroleum gas tank by the seller and resold.

12. A seller of liquified petroleum gas shall provide on each bill a description of the nature and purpose of each fee that is being charged.

13. The fiscal impact of being compliant with any governmental, regulatory, or environmental requirement shall not be borne by liquified petroleum gas consumers and shall not be added to bills rendered by a company selling liquified petroleum gas; 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.

§ 2. This act shall take effect immediately.