

STATE OF NEW YORK

10432--A

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 -- committee
discharged, bill amended, ordered reprinted as amended and recommitted
to said committee

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 Assem-
bly, do enact as follows:

1 Section 1. Section 192-e of the agriculture and markets law is amended
2 by adding four new subdivisions 10, 11, 12 and 13 to read as follows:

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

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

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

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

21 (i) to remove the seller's liquified petroleum gas tank from the prem-
22 ises;

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

24 (iii) to terminate service;

25 (d) a fee related to termination of liquified petroleum gas service
26 prior to the agreed upon end of a contract between the seller and the

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

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1 consumer, that is (i) greater than a nominal value, or (ii) greater than
2 the cost of labor;

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

6 (f) any amounts for the repair of equipment or for any special trip
7 related to the repair of equipment if the equipment owned by a seller
8 malfunctions through no fault of a consumer or other person authorized
9 to be on the premises;

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

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

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

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

20 13. The fiscal impact of being compliant with any governmental, regu-
21 latory, or environmental requirement shall not be borne by liquified
22 petroleum gas consumers and shall not be added to bills rendered by a
23 company selling liquified petroleum gas; provided, however, that this
24 subdivision shall not limit the per-gallon price charged by sellers or
25 prohibit collection of any tax allowable under state law.

26 § 2. This act shall take effect immediately.