

# STATE OF NEW YORK

971

2023-2024 Regular Sessions

## IN ASSEMBLY

January 11, 2023

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to authorizing the delivery of liquefied petroleum gas in times of emergency

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

1 Section 1. Paragraph b of subdivision 6-a of section 192-e of the  
2 agriculture and markets law, as added by a chapter of the laws of 2022  
3 amending the agriculture and markets law relating to authorizing the  
4 delivery of liquefied petroleum gas in times of emergency, as proposed  
5 in legislative bills numbers S. 8426 and A. 1451-A, is amended and a new  
6 paragraph f is added to read as follows:

7 b. Notwithstanding any other law, rule or regulation to the contrary,  
8 when a qualifying emergency is in effect, a residential customer who has  
9 a contract with a regular supplier to fill a liquefied petroleum gas  
10 tank reasonably believes the amount of liquefied petroleum gas in their  
11 tank will be insufficient to meet the customer's heating needs, the  
12 customer shall make a good faith effort to procure delivery of liquefied  
13 petroleum gas from such regular supplier. If the regular supplier is  
14 unable to make a scheduled delivery or fulfill the customer's good faith  
15 request, directly or through another supplier, for delivery within twenty-four  
16 hours, the customer may arrange to have a temporary emergency  
17 supplier fill, refill or otherwise deliver liquefied petroleum gas into  
18 such liquefied petroleum gas tank, provided that the temporary emergency  
19 supplier ensures that such tank, and the devices and pipelines operated  
20 in connection with such tank, have been inspected and certified as  
21 required by law and all applicable regulations. The temporary emergency  
22 supplier shall assume all liability that may result from the improper  
23 filling, inspection, or testing of such tank. The temporary emergency  
24 supplier that fills, refills, or otherwise delivers liquified petroleum  
25 gas under this subdivision must notify the regular supplier, in written

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

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1 form, within five business days, the customer's name and address, the  
2 date and quantity delivered, changes made to the system, if any, and  
3 pressure test results, if required.

4 f. In all other circumstances other than those described in this  
5 section, it shall not be permissible for any person, firm, limited  
6 liability company or corporation to remove or fill any liquified petro-  
7 leum gas from a liquified petroleum gas tank, cylinder, container or  
8 receptacle without the consent of the owner of such tank, cylinder,  
9 container or receptacle.

10 § 2. This act shall take effect on the same date and in the same  
11 manner as a chapter of the laws of 2022 amending the agriculture and  
12 markets law relating to authorizing the delivery of liquefied petroleum  
13 gas in times of emergency, as proposed in legislative bills numbers S.  
14 8426 and A. 1451-A, takes effect.