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:

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

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

LBD04185-01-3

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

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

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