

STATE OF NEW YORK

5632

2023-2024 Regular Sessions

IN SENATE

March 9, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to consumer protection and utility meter choice

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

1 Section 1. The general business law is amended by adding a new section
2 349-g to read as follows:

3 § 349-g. Consumer protection and utility meter choice. 1. For purposes
4 of this section, the following terms shall have the following meanings:

5 (a) "Analog utility meter" shall mean a New York state public service
6 commission approved electro-mechanical utility meter that measures a
7 utility consumer's electric, water or gas usage and does not contain or
8 utilize electronic components or switch mode power supply and does not
9 extract, store, or transmit private utility usage data or radiofrequency
10 radiation.

11 (b) "Digital utility meter" shall mean a New York state public service
12 commission approved, radiofrequency transmitting or non-transmitting
13 utility meter that utilizes electronic components, including but not
14 limited to, switch mode power supply, antennas and batteries, to meas-
15 ure, extract, store and/or transmit electric, water or gas usage.

16 2. For the protection of consumer health, safety and/or privacy needs,
17 it shall be the right of every consumer of an electric corporation,
18 water-works corporation or gas corporation, at no penalty, fee or
19 service charge, to decline permission to their electric corporation,
20 water-works corporation or gas corporation:

21 (a) to replace an existing analog utility meter at such consumer's
22 premises that is assigned to such consumer's account with a digital
23 utility meter; or

24 (b) to install a digital utility meter at their property without such
25 consumer's consent.

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

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1 3. For the protection of consumer health, safety and/or privacy needs,
2 it shall be the right of every consumer of an electric corporation,
3 water-works corporation or gas corporation, at no penalty, fee or
4 service charge, to require their electric corporation, water-works
5 corporation or gas corporation to replace an existing digital utility
6 meter at such consumer's premises that is assigned to such consumer's
7 account with an analog utility meter.

8 4. An electric corporation, water-works corporation or gas corporation
9 may not install a digital utility meter on a consumer's premises that is
10 assigned to such consumer's account unless it first shall provide writ-
11 ten notice to the consumer no less than ninety days prior to the sched-
12 uled installation of such meter, so that such consumer may decline
13 permission for such installation. Such notice shall provide that:

14 (a) the consumer shall have the right to decline permission for their
15 electric corporation, water-works corporation or gas corporation, from
16 installing a digital utility meter with no fee, penalty or service
17 charge; and

18 (b) the consumer may, at any point in time following the installation
19 of a digital utility meter, require the removal of such device and its
20 replacement with an analog utility meter, with no fee, penalty or
21 service charge; and

22 (c) an electric corporation, water-works corporation or gas corpo-
23 ration must comply with such consumer's instructions within ten days of
24 receipt, if the consumer informs such electric corporation, water-works
25 corporation or gas corporation, in writing, that such consumer suffers
26 from electromagnetic sensitivity and that the transmitted and unintended
27 radiofrequency radiation from both transmitting and non-transmitting
28 digital utility meters poses a health threat to such consumer or within
29 thirty days of receipt in all other cases.

30 5. The public service commission shall prescribe such rules and regu-
31 lations to effectuate the provisions of this section as it may deem
32 necessary.

33 § 2. This act shall take effect immediately.