

STATE OF NEW YORK

8606

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

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:

1 Section 1. Section 192-e of the agriculture and markets law is amended
2 by adding a new subdivision 10 to read as follows:

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

5 (a) any governmental, regulatory, environmental, or other similar fee;
6 provided, however, that this subdivision shall not limit the per-gallon
7 price charged by sellers or prohibit collection of any tax allowable
8 under state law;

9 (b) a minimum usage fee;

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

12 (d) when the liquified petroleum gas tank has been located on the
13 consumer's premises for twelve months or more, regardless of ownership
14 of the premises, a fee related to termination of liquified petroleum gas
15 service, including a fee;

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

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

19 (iii) to terminate service;

20 (e) when the consumer has received liquified petroleum gas service
21 from the seller for less than twelve months, a fee related to termi-
22 nation of service that exceeds the price of labor and materials
23 disclosed in a contract;

24 (f) a tank rental fee for any period of time after the service has
25 been disconnected by the seller or the consumer has notified the seller
26 that the seller's equipment is no longer connected;

27 (g) any amounts for the repair of equipment or for any special trip
28 related to the repair of equipment if the equipment owned by a seller

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

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1 malfunctions through no fault of a consumer or other person authorized
2 to be on the premises;

3 (h) a delivery fee if the seller fails to make a delivery through no
4 fault of the consumer and the consumer runs out of liquified petroleum
5 gas as a result; or

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

8 § 2. This act shall take effect immediately.