

STATE OF NEW YORK

10780

IN ASSEMBLY

April 1, 2026

Introduced by M. of A. SANTABARBARA -- read once and referred to the
Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to establishing
civil penalties for improper denial of propane service to consumers
located within a company's designated service territory, providing for
enforcement by the department of public service and the office of the
attorney general, and directing that all collected civil penalties be
deposited into the New York state general fund

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

1 Section 1. The public service law is amended by adding a new section
2 28 to read as follows:

3 § 28. Improper denial of propane service; penalties. 1. For the
4 purposes of this section, an "improper denial of service" by a propane
5 company occurs when:

6 (a) a consumer resides within such propane company's established
7 service area or delivery territory;

8 (b) such propane company operates and regularly provides service with-
9 in the geographic area of such established service area or delivery
10 territory; and

11 (c) such propane company denies service to such consumer for reasons
12 of convenience, route efficiency, or preference not to deviate from a
13 faster, more efficient, or more profitable delivery route.

14 2. A propane company shall be subject to a civil penalty in an amount
15 which shall be determined by the department, but which shall not exceed
16 one hundred thousand dollars, for each improper denial of service by
17 such propane company.

18 3. In determining the amount of the civil penalty to be imposed pursu-
19 ant to subdivision two of this section, the department may consider
20 factors including, but not limited to:

21 (a) the circumstances and seriousness of the improper denial of
22 service;

23 (b) whether the improper denial of service was willful or part of a
24 pattern or practice of denying service;

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

LBD15324-01-6

1 (c) the number of consumers affected by the improper denial of
2 service;

3 (d) any risk to public health, safety or property resulting from the
4 improper denial of service; and

5 (e) any good faith efforts by the propane company to remedy the
6 improper denial of service.

7 4. Each improper denial of service shall constitute a separate
8 violation. Multiple separate violations may be assessed individually
9 regardless of whether:

10 (a) such violations involve the same consumer on multiple occasions;
11 or

12 (b) multiple consumers within the same service territory are denied
13 service.

14 5. (a) The department shall receive, investigate and adjudicate
15 complaints alleging improper denials of service.

16 (b) The department shall have the authority to:

17 (i) promulgate rules and regulations necessary to implement the
18 provisions of this section;

19 (ii) conduct investigations and administrative hearings; and

20 (iii) issue determinations and administrative penalty assessments
21 pursuant to the provisions of this section.

22 (c) The office of the attorney general shall have the authority to:

23 (i) investigate improper denials of service upon referral from the
24 department or on its own initiative;

25 (ii) commence civil actions in courts of competent jurisdiction to
26 recover penalties imposed pursuant to this section; and

27 (iii) seek injunctive relief, restitution and any other relief author-
28 ized by law.

29 (d) Nothing in this subdivision shall preclude coordination with any
30 other applicable state or local enforcement authorities where appropri-
31 ate.

32 6. All civil penalties recovered pursuant to this section shall be
33 paid to the commissioner of taxation and finance and credited to the
34 state general fund.

35 7. The penalties established pursuant to this section shall not be
36 construed to preclude any additional remedies available under existing
37 consumer protection, public safety or utility regulatory laws.

38 § 2. This act shall take effect immediately.