

STATE OF NEW YORK

6825--C

2025-2026 Regular Sessions

IN ASSEMBLY

March 14, 2025

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to fees related to liquefied 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 four new subdivisions 10, 11, 12 and 13 to read as follows:

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

5 (a) a special usage fee that is greater than a nominal value. For the
6 purposes of this section, "special usage fee" shall mean a fee charged
7 to a consumer for using less than the minimum amount of liquefied petro-
8 leum gas as established by the seller. No special usage fee shall be
9 charged except for when: (i) the consumer's usage of liquefied petroleum
10 gas is low enough that the seller would otherwise be unable to make a
11 reasonable return on investment for providing liquefied petroleum gas
12 service to that consumer; (ii) the special usage fee shall be disclosed
13 in the contract between the seller and the consumer; and (iii) a
14 description of the fee shall be provided on the consumer's bill pursuant
15 to subdivision twelve of this section;

16 (b) a fee for liquefied petroleum gas that is not actually delivered
17 to a consumer;

18 (c) a fee that is not disclosed in the contract between the seller and
19 the consumer related to termination of liquefied petroleum gas service

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

LBD05380-06-6

1 at the agreed upon end of contract between the seller and the consumer
2 that is greater than the cost of labor associated with the termination
3 of service, including a fee that is greater than the cost of labor to:

4 (i) remove the seller's liquefied petroleum gas tank from the prem-
5 ises;

6 (ii) pump out or restock liquefied petroleum gas; or

7 (iii) terminate service;

8 (d) a fee related to termination of liquefied petroleum gas service
9 prior to the agreed upon end of a contract between the seller and the
10 consumer, that is more than the greater of (i) a nominal value, or (ii)
11 the cost of labor;

12 (e) a tank rental fee for any period of time after the service has
13 been disconnected by the seller or the consumer has notified the seller
14 that the seller's equipment is no longer connected;

15 (f) any amounts for the repair of equipment or for any special trip
16 related to the repair of equipment if the equipment owned by a seller
17 malfunctions through no fault of a consumer or other person authorized
18 to be on the premises;

19 (g) a delivery fee if the seller fails to make a delivery through no
20 fault of the consumer and the consumer runs out of liquefied petroleum
21 gas as a result; or

22 (h) a fee, the basis of which is not compliant with any applicable
23 statute or rule.

24 11. A seller shall provide a rebate to a consumer equal to the price
25 paid by that consumer for liquefied petroleum gas that is removed from a
26 liquefied petroleum gas tank by the seller and resold.

27 12. A seller of liquefied petroleum gas shall provide on each bill a
28 description of the nature and purpose of each fee that is being charged.

29 13. The fiscal impact of being compliant with subdivision ten and
30 subdivision eleven of this section shall not be borne by liquefied
31 petroleum gas consumers and shall not be added to bills rendered by a
32 company selling liquefied petroleum gas; provided, however, that this
33 subdivision shall not limit the per-gallon price charged by sellers or
34 prohibit collection of any tax allowable under state law.

35 § 2. This act shall take effect on the thirtieth day after it shall
36 have become a law and shall apply to all contracts entered into,
37 renewed, modified, or amended on or after such date. Effective imme-
38 diately, the addition, amendment and/or repeal of any rule or regulation
39 necessary for the implementation of this act on its effective date are
40 authorized to be made and completed on or before such effective date.