

# STATE OF NEW YORK

1783--A

Cal. No. 262

2025-2026 Regular Sessions

## IN SENATE

January 13, 2025

Introduced by Sens. HINCHEY, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 five new subdivisions 10, 11, 12, 13 and 14 to read as  
3 follows:

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

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

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

19 (c) a fee that is not disclosed in the contract between the seller and  
20 the consumer related to termination of liquified petroleum gas service  
21 at the agreed upon end of contract between the seller and the consumer

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

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1 that is greater than the cost of labor associated with the termination  
2 of service, including a fee that is greater than the cost of labor to:

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

5 (ii) pump out or restock liquified petroleum gas; or

6 (iii) terminate service;

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

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

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

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

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

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

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

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

34 14. The attorney general shall have jurisdiction to enforce the  
35 provisions of this section in accordance with the powers granted to the  
36 attorney general by section sixty-three of the executive law.

37 § 2. This act shall take effect immediately.