

# STATE OF NEW YORK

1783--C

Cal. No. 214

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 -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- reported favorably from said committee, ordered to second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to 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 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

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

LBD05380-07-6

1 description of the fee shall be provided on the consumer's bill pursuant  
2 to subdivision twelve of this section;

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

5 (c) a fee that is not disclosed in the contract between the seller and  
6 the consumer related to termination of liquefied petroleum gas service  
7 at the agreed upon end of contract between the seller and the consumer  
8 that is greater than the cost of labor associated with the termination  
9 of service, including a fee that is greater than the cost of labor to:

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

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

13 (iii) terminate service;

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

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

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

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

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

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

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

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

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