

STATE OF NEW YORK

10686

IN ASSEMBLY

March 20, 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 failure of propane providers to deliver emergency service under automatic refill contracts, 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 Assembly, do enact as follows:

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

§ 28. Propane service penalties. 1. For purposes of this section, a "violation" occurs when a propane company operating in the state of New York fails to provide emergency propane delivery to a consumer who has entered into an automatic refill contract with such propane company.

2. A propane company operating in the state of New York shall be subject to a civil penalty in an amount which shall be determined by the department, but which shall not exceed ten thousand dollars, for each violation if:

(a) such propane company has entered into an automatic refill contract with such consumer;

(b) an emergency condition exists, including but not limited to an out-of-fuel event or imminent interruption of heat or essential service;

(c) such consumer resides within such propane company's designated service area; and

(d) such propane company fails to provide necessary propane delivery within twenty-four hours of notification or identification of the emergency.

3. In determining the amount of the civil penalty to be imposed pursuant to subdivision two of this section, the department may consider factors including, but not limited to:

(a) the severity and duration of the service interruption;

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

LBD15228-01-6

1 (b) whether the violation resulted in risk to public health or proper-
2 ty damage;

3 (c) the number of consumers affected by the violation;

4 (d) whether the violation was repeated or part of a pattern of noncom-
5 pliance; and

6 (e) any good faith efforts by the propane company to remedy the emer-
7 gency condition.

8 4. Each failure of a propane company operating in the state of New
9 York to provide emergency propane delivery to a consumer who has entered
10 into an automatic refill contract with such propane company shall
11 constitute a separate violation. Multiple separate violations may be
12 assessed individually regardless of whether:

13 (a) such violations affect the same consumer on multiple separate
14 occasions; or

15 (b) such violations occur during the same heating season or contract
16 period.

17 5. (a) The department shall receive, investigate and adjudicate
18 complaints alleging violations.

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

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

22 (ii) conduct investigations and administrative hearings; and

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

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

26 (i) investigate violations upon referral from the department or on its
27 own initiative;

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

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

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

35 6. All civil penalties recovered pursuant to this section shall be
36 paid to the commissioner of taxation and finance and credited to the
37 state general fund.

38 7. Nothing in this section shall be construed to preclude any remedies
39 available under existing consumer protection, public safety or utility
40 regulatory laws.

41 § 2. This act shall take effect immediately.