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 Assembly, do enact as follows:

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

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

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

(b) such propane company operates and regularly provides service within the geographic area of such established service area or delivery territory; and

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

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

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 circumstances and seriousness of the improper denial of service;

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

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

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

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

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

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

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

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

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

(b) The department shall have the authority to:

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

(ii) conduct investigations and administrative hearings; and

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

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

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

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

(iii) seek injunctive relief, restitution and any other relief authorized by law.

(d) Nothing in this subdivision shall preclude coordination with any other applicable state or local enforcement authorities where appropriate.

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

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

§ 2. This act shall take effect immediately.