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:

Section 1. Section 192-e of the agriculture and markets law is amended by adding four new subdivisions 10, 11, 12 and 13 to read as follows:

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

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

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

(c) a fee that is not disclosed in the contract between the seller and 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.

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

(i) remove the seller's liquefied petroleum gas tank from the premises;

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

(iii) terminate service;

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

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

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

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

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

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

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

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

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