STATE OF NEW YORK

1783--B

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

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:

Section 1. Section 192-e of the agriculture and markets law is amended by adding five new subdivisions 10, 11, 12, 13 and 14 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 liquified petroleum gas as established by the seller. No special usage fee shall be charged except for when: (i) the consumer's usage of liquified petroleum gas is low enough that the seller would otherwise be unable to make a reasonable return on investment for providing liquified 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 liquified petroleum gas that is not actually delivered to a consumer;

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

LBD05380-04-6

(c) a fee that is not disclosed in the contract between the seller and the consumer related to termination of liquified petroleum gas service 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 liquified petroleum gas tank from the premises;

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

(iii) terminate service;

(d) a fee related to termination of liquified 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 liquified 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 liquified petroleum gas that is removed from a liquified petroleum gas tank by the seller and resold.

12. A seller of liquified 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 any governmental, regulatory, or environmental requirement shall not be borne by liquified petroleum gas consumers and shall not be added to bills rendered by a company selling liquified 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.

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