

537

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to establishing fees for mobile food vendors; and providing for the repeal of such provisions upon the expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     Section 1. The general business law is amended by adding a new section  
2     391-s to read as follows:  
3     S 391-S. MOBILE FOOD VENDORS. 1. NO MUNICIPALITY, OTHER THAN A CITY  
4     WITH A POPULATION OF ONE MILLION OR MORE, MAY CHARGE A MOBILE FOOD  
5     VENDOR AN ANNUAL FEE OF MORE THAN TWO HUNDRED FIFTY DOLLARS PER MOBILE  
6     VENDING VEHICLE.  
7     2. FOR PURPOSES OF THIS SECTION, A MOBILE FOOD VENDOR IS ANY PERSON  
8     WHO HAWKS, PEDDLES, SELLS, OR OFFERS FOOD FOR SALE AT RETAIL IN ANY  
9     PUBLIC SPACE AND SUCH FOOD ITEMS ARE PRESENTED TO THE PUBLIC IN A MOBILE  
10    VEHICLE, SUCH AS, BUT NOT LIMITED TO, A PUSH CART, CAR, VAN, OR TRUCK.  
11    3. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY PERSON WHO IS  
12    SOLELY DELIVERING FOOD THAT HAS BEEN PREVIOUSLY ORDERED AND PURCHASED  
13    FROM AN ESTABLISHED RETAIL LOCATION.  
14    S 2. This act shall take effect immediately and shall expire and be  
15    deemed repealed two years after such effective date.

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

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