S T A T E O F N E W Y O R K

277

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I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PHEFFER, LAVINE, DINOWITZ, FIELDS, SWEENEY, MARKEY, MILLMAN, COOK, GALEF, ENGLEBRIGHT, CARROZZA, J. RIVERA, BENEDETTO, EDDINGTON, TOWNS, COLTON, GABRYSZAK -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, CHRISTENSEN, DESTITO, GLICK, MAYERSOHN, ROBINSON, ROSENTHAL, WEINSTEIN, WEISENBERG, WRIGHT -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to the sale of home heating oil

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

Section 1. The general business law is amended by adding a new section 309 to read as follows:

S 309. RESIDENTIAL HEATING OIL; MINIMUM CONSUMPTION PROHIBITED. NO PERSON, FIRM, CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP, ASSOCIATION OR OTHER BUSINESS ENGAGED IN THE BUSINESS OF DISTRIBUTING OR OTHERWISE SUPPLYING HEATING OIL TO CUSTOMERS FOR RESIDENTIAL USE SHALL REQUIRE THAT ANY PERSON MEET A MINIMUM LEVEL OF HEATING OIL CONSUMPTION TO HEAT SUCH RESIDENCE IN ORDER TO HAVE HEATING OIL DISTRIBUTED OR SUPPLIED BY SUCH HEATING OIL BUSINESS TO SUCH CUSTOMER. ANY BUSINESS IN VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY IN THE AMOUNT OF FIVE HUNDRED DOLLARS FOR EACH SUCH VIOLATION.

S 2. This act shall take effect immediately.

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

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