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

4910

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. PHEFFER -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the general business law, in relation to emergency power systems for gasoline stations

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

Section 1. Section 396-x of the general business law, as added by chapter 616 of the laws of 1984, is renumbered section 396-xx and amended to read as follows:

S 396-xx. Gasoline stations; air pumps AND EMERGENCY POWER SYSTEMS required. 1. Definition. As used in this section: "dealer" shall mean any person owning or operating a [premise] PREMISES or facility with four or more gas dispensing nozzles for the retail sale of motor fuels for use in motor vehicles.

2. (A) Any dealer must provide on the premises where motor fuel is sold at retail for use in motor vehicles a functioning motor driven air compressor capable of inflating automobile tires for use by customers during hours in which such station is open for business.

[3.] (B) Wilful failure to comply with the provisions of this [section] SUBDIVISION shall subject a dealer to a civil penalty of up to twenty-five dollars for each day such failure occurs. If the failure to comply results from the breakdown of the air compressor, the failure to repair within a reasonable time shall constitute wilful conduct.

3. (A) BEGINNING NO LATER THAN SIX MONTHS AFTER ANY CERTIFICATE OF OCCUPANCY, OR ANY EQUIVALENT DOCUMENT ISSUED BY A COUNTY, CITY, TOWN OR VILLAGE, IS ISSUED FOR A PREMISES OR FACILITY, A DEALER SHALL INSTALL AND MAINTAIN ON THE PREMISES WHERE MOTOR FUEL IS SOLD AT RETAIL FOR USE IN MOTOR VEHICLES A FUNCTIONING EMERGENCY POWER SYSTEM THAT IS CAPABLE OF PROVIDING AN ALTERNATIVE MEANS OF GENERATING ELECTRIC POWER FOR PURPOSES OF OPERATING ALL OF THE FUEL PUMPS LOCATED ON SUCH PREMISES IN THE EVENT OF AN ELECTRICAL POWER OUTAGE OR OTHER INTERRUPTION IN ELEC-

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

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TRICAL SERVICE. SUCH EMERGENCY POWER SYSTEM SHALL BE CAPABLE OF PROVIDING SUFFICIENT POWER TO OPERATE FOR A MINIMUM OF TWENTY-FOUR HOURS ALL FUEL PUMPS AND ANY OTHER POWER LOADS NECESSARY FOR THE DISPENSING AND SALE OF MOTOR FUELS.

(B) WILFUL FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION SHALL BE A CLASS A MISDEMEANOR. IF THE FAILURE TO COMPLY RESULTS FROM THE BREAKDOWN OF THE EMERGENCY POWER SYSTEM, THE FAILURE TO REPAIR WITHIN A REASONABLE TIME SHALL CONSTITUTE WILFUL CONDUCT.

(C) NOTHING IN THIS SECTION SHALL PRECLUDE THE APPLICATION OF LOCAL LAWS AND REGULATIONS, NOT INCONSISTENT WITH THIS SECTION, GOVERNING THE INSTALLATION, MAINTENANCE AND INSPECTION OF, AND OTHER REQUIREMENTS RELATING TO, EMERGENCY POWER SYSTEMS.

S 2. This act shall take effect immediately, except that a person owning or operating a premises or facility with four or more gas dispensing nozzles for the retail sale of motor fuels for use in motor vehicles must maintain on the premises the functioning emergency power system required by the provisions of subdivision 3 of section 396-xx of the general business law, as added by section one of this act, beginning no later than two years after such effective date if any certificate of occupancy, or any equivalent document issued by a county, city, town or village, has been issued for such premises or facility on or before such effective date.