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

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2009-2010 Regular Sessions

I N A S S E M B L Y

March 31, 2009

Introduced by M. of A. MILLER, BURLING, ERRIGO, KOLB, McDONOUGH, REILICH, SAYWARD, THIELE -- Multi-Sponsored by -- M. of A. ALFANO, BARCLAY, CALHOUN, CROUCH, GALEF, TEDISCO, WALKER, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, the penal law and the general business law, in relation to the theft of motor fuel

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

Section 1. Paragraph b of subdivision 2 of section 510 of the vehicle and traffic law is amended by adding a new subparagraph (xvi) to read as follows:

(XVI) FOR A PERIOD OF SIX MONTHS WHERE THE HOLDER IS CONVICTED OF THEFT OF MOTOR FUEL PURSUANT TO SECTION 155.25 OF THE PENAL LAW, HAVING PREVIOUSLY BEEN CONVICTED OF THEFT OF MOTOR FUEL.

S 2. The penal law is amended by adding a new section 60.21 to read as follows:

S 60.21 AUTHORIZED DISPOSITION; THEFT OF MOTOR FUEL.

1. WHEN A PERSON IS CONVICTED OF AN OFFENSE AS DEFINED IN SECTION 155.25 OF THIS CHAPTER, AND THE PROPERTY STOLEN CONSISTS IN WHOLE OR IN PART OF MOTOR FUEL THE COURT SHALL IMPOSE A FINE OF ONE THOUSAND DOLLARS; OR IF SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF AN OFFENSE AS DEFINED IN SECTION 155.25 OF THIS CHAPTER, AND PROPERTY STOLEN CONSISTED IN WHOLE OR IN PART OF MOTOR FUEL, THE COURT SHALL IMPOSE A FINE OF TWO THOUSAND DOLLARS AND A SUSPENSION OF THE PERSON'S DRIVER'S LICENSE, AS DEFINED IN ARTICLE TWENTY OF THE VEHICLE AND TRAFFIC LAW, FOR A PERIOD OF SIX MONTHS.

2. THE COURT OR CLERK THEREOF SHALL, WITHIN TEN DAYS OF THE IMPOSITION OF A SENTENCE OF SUSPENSION OF A DRIVER'S LICENSE PURSUANT TO THIS SECTION, NOTIFY THE COMMISSIONER OF MOTOR VEHICLES IN A MANNER AND FORM PRESCRIBED BY SUCH COMMISSIONER.

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

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S 3. The general business law is amended by adding a new section 396-xx to read as follows:

S 396-XX. GASOLINE STATIONS; RECEIPTS. 1. AS USED IN THIS SECTION: "DEALER" SHALL MEAN ANY PERSON OWNING OR OPERATING A PREMISE OR FACILITY FOR THE RETAIL SALE OF MOTOR FUELS FOR USE IN MOTOR VEHICLES.

2. ANY DEALER MUST PROVIDE EVERY PAYING CUSTOMER A RECEIPT FOR HIS OR HER PURCHASE OF MOTOR FUEL.

3. WILFUL FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL SUBJECT A DEALER TO A CIVIL PENALTY OF UP TO TWENTY-FIVE DOLLARS FOR EACH DAY SUCH FAILURE OCCURS.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.