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

9435

I N A S S E M B L Y

(PREFILED)

January 6, 2010

Introduced by M. of A. LATIMER -- 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 providing gas station assistance to disabled motorists

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

Section 1. Subdivisions 2 and 3 of section 396-bb of the general business law are renumbered subdivisions 3 and 4 and a new subdivision 2 is added to read as follows:

2. A. ANY GASOLINE STATION OFFERING THE PUBLIC SALE OF GASOLINE AT SELF-SERVICE ISLANDS SHALL PROVIDE A MINIMUM OF ONE SELF-SERVICE ISLAND DEVICE THAT ALLOWS A DISABLED PERSON, PARKED AT THAT STATION IN A VEHICLE DISPLAYING A DISABLED LICENSE PLATE ISSUED BY NEW YORK STATE OR A VALID DISABLED LICENSE PLATE ISSUED BY ANY OTHER STATE, TO SIGNAL AN EMPLOYEE THAT THE DRIVER REQUIRES ASSISTANCE IN DISPENSING MOTOR FUEL. AN ATTENDANT SHALL THEN ARRIVE TO DISPENSE MOTOR FUEL AT NO ADDITIONAL COST BEYOND THE PRICE THAT THE FUEL IS BEING OFFERED TO THE GENERAL PUBLIC. A DEVICE SHALL BE INSTALLED THAT ALERTS THE EMPLOYEE INSIDE THE BUILDING THAT ASSISTANCE IS REQUIRED AT THE PUMP, AND SHALL BE MOUNTED BETWEEN THIRTY-FOUR AND FORTY-EIGHT INCHES FROM THE GROUND. A SIGN SHALL BE CONSPICUOUSLY POSTED AT THE SELF-SERVICE STATION THAT MEETS THE AMERICAN DISABILITY ACT ACCESSIBILITY GUIDELINES IDENTIFYING THE CALL DEVICE AND THE HOURS WHEN ASSISTANCE WILL BE AVAILABLE AND OPERABLE FROM THE VEHICLE.

B. THE GASOLINE STATION SHALL NOT BE REQUIRED TO PROVIDE THE SERVICE PROVIDED FOR IN PARAGRAPH A OF THIS SUBDIVISION DURING TIMES WHEN SUCH STATION IS BEING OPERATED ON A REMOTE CONTROL BASIS BY ONLY ONE EMPLOYEE AND A PASSENGER IN THAT VEHICLE IS REASONABLY CAPABLE OF DISPENSING MOTOR FUEL. PARAGRAPH A OF THIS SUBDIVISION SHALL NOT APPLY TO GASOLINE STATIONS THAT ARE OPERATED BY ONE CASHIER AND REMOTE CONTROL EQUIPMENT FOR DISPENSING MOTOR FUEL.

C. IF AN OWNER OWNS ONLY ONE GASOLINE STATION IN NEW YORK STATE, THEN THAT GAS STATION MUST BE IN COMPLIANCE WITHIN ONE YEAR OF THE EFFECTIVE

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

LBD15093-01-9

DATE OF THIS SUBDIVISION. IF AN OWNER OWNS MORE THAN ONE GASOLINE STATION IN NEW YORK STATE THEN THE OWNER MUST MAKE AT LEAST FIFTY PERCENT OF THOSE GASOLINE STATIONS COMPLIANT WITH THIS SUBDIVISION WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SUBDIVISION. IN EITHER CASE THE OWNER MUST BE IN COMPLIANCE WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THIS SUBDIVISION.

S 2. This act shall take effect immediately.