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

2649

2009-2010 Regular Sessions

I N S E N A T E

February 26, 2009

Introduced by Sens. ADAMS, FOLEY, MONSERRATE, PARKER -- 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 protecting consumers from price gouging and product tampering of gasoline

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 amended to read as follows:

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

2. 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. FOR THE PURPOSE OF CONSUMER COMPLAINTS BASED ON (I) OVERCHARGING FOR GASOLINE OR (II) PRODUCT TAMPERING OF GASOLINE, ALL DEALERS MUST PROVIDE CLEAR AND CONSPICUOUS NOTICE OF CONSUMER COMPLAINT CONTACT INFORMATION BY CAUSING SIGNS TO BE POSTED AT ALL SERVICE DESKS, GAS DISPENSING AREAS AND OTHER APPROPRIATE AREAS AS NECESSARY WHICH SHALL CONTAIN INFORMATION, INCLUDING, BUT NOT LIMITED TO, A TELEPHONE NUMBER AND MAILING ADDRESS OF THE STATE CONSUMER PROTECTION BOARD.

4. 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. 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.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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