

3631--B

2011-2012 Regular Sessions

I N S E N A T E

February 28, 2011

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law and the executive 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:

1 Section 1. Paragraph a of subdivision 5 of section 192 of the agricul-
2 ture and markets law, as amended by chapter 101 of the laws of 1986, is
3 amended to read as follows:
4 a. It shall be unlawful for any person, firm or corporation to sell or
5 offer for sale at retail for use in internal combustion engines in motor
6 vehicles or motorboats any motor fuel unless such seller shall:
7 (i) post and keep posted on the dispensing device from which such
8 motor fuel is sold or offered for sale a sign or placard, at least
9 twelve inches in height and at least twelve inches in width, stating
10 clearly and legibly with the whole cent numerals at least nine inches in
11 height and at least two inches in width, the selling price per gallon of
12 such motor fuel; or
13 (ii) where such individual pump or dispensing device dispenses more
14 than two differently priced grades of motor fuel, only the highest and
15 lowest selling price per gallon of such motor fuel dispensed therefrom
16 must be posted thereon in conformance with all other provisions of this
17 subdivision; or
18 (iii) where a multiple product dispensing device is capable of
19 dispensing multiple products at multiple prices, then the selling price

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

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1 per gallon may be posted thereon with numerals at least one-half that
2 height and one-half that width required by subparagraph (i) of this
3 paragraph, although numerals representing tenths of a cent may be
4 displayed at no less than one-half those dimensions which disclose the
5 selling price per gallon of such motor fuel dispensed therefrom;

6 (IV) POST AND KEEP POSTED ON THE DISPENSING DEVICE FROM WHICH SUCH
7 MOTOR FUEL IS SOLD OR OFFERED FOR SALE A SIGN OR PLACARD, OF A SIZE TO
8 BE DETERMINED BY THE COMMISSIONER, STATING CLEARLY AND LEGIBLY, IN
9 SUBSTANTIALLY SIMILAR FORM:

10 NOTICE TO CONSUMERS: IF YOU HAVE A COMPLAINT REGARDING THIS BUSINESS,
11 YOU MAY CALL THE FOLLOWING TOLL-FREE NEW YORK STATE HOTLINE: (INSERT THE
12 CURRENT TELEPHONE NUMBER ESTABLISHED BY THE DEPARTMENT OF LAW FOR
13 RECEIVING COMPLAINTS FROM CONSUMERS PURSUANT TO SUBDIVISION SIXTEEN OF
14 SECTION 63 OF THE EXECUTIVE LAW).

15 The signs and selling prices shall be posted so as to be clearly visi-
16 ble to the driver of an approaching motor vehicle or motorboat. The
17 name, trade name, brand, mark or symbol, and grade of quality classi-
18 fication, if any of such motor fuel shall be permanently imprinted on
19 said motor fuel dispensing device. The provisions of this subdivision
20 shall not apply to a city, county, town or village which has already
21 enacted and continues in effect a local law, ordinance, rule or regu-
22 lation in substantial conformity with this subdivision. The provisions
23 of this subdivision shall be enforced in the counties outside the city
24 of New York by the county or city director of weights and measures, as
25 the case may be, and in the city of New York by the department of
26 consumer affairs. THE COMMISSIONER, BY RULE, SHALL ESTABLISH THE SIZE
27 OF THE SIGN OR PLACARD REQUIRED UNDER SUBPARAGRAPH (IV) OF THIS PARA-
28 GRAPH.

29 S 2. Section 63 of the executive law is amended by adding a new subdi-
30 vision 16 to read as follows:

31 16. (A) NO LATER THAN JANUARY FIRST, TWO THOUSAND THIRTEEN, ESTABLISH
32 A TOLL-FREE TELEPHONE NUMBER FOR RECEIVING COMPLAINTS RELATED TO THE
33 RETAIL SALE OF MOTOR FUEL. THE TOLL-FREE NUMBER MAY BE AN EXISTING
34 NUMBER ESTABLISHED BY THE DEPARTMENT OF LAW FOR RECEIVING INQUIRIES FROM
35 CONSUMERS.

36 (B) EMPLOYEES OF THE DEPARTMENT OF LAW, UPON RECEIPT OF A COMPLAINT
37 FROM A CONSUMER THROUGH MEANS OF THE TOLL-FREE NUMBER REGARDING THE
38 OPERATION OR ACCURACY OF MOTOR FUEL DISPENSING DEVICES, SHALL FORWARD
39 THE CONTENTS OF SUCH COMPLAINT TO THE DEPARTMENT OF AGRICULTURE AND
40 MARKETS AND THE APPROPRIATE MUNICIPALITY OR LOCAL GOVERNMENT.

41 S 3. This act shall take effect April 1, 2013; provided that the
42 department of law shall establish the toll-free telephone number as
43 required by section two of this act on or before January 1, 2013;
44 provided further that, effective immediately, any rules and regulations
45 necessary to implement the provisions of this act on its effective date
46 are authorized and directed to be amended, promulgated and/or repealed
47 on or before such date.