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

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:

Section 1. Paragraph a of subdivision 5 of section 192 of the agriculture and markets law, as amended by chapter 101 of the laws of 1986, is amended to read as follows:

a. It shall be unlawful for any person, firm or corporation to sell or offer for sale at retail for use in internal combustion engines in motor vehicles or motorboats any motor fuel unless such seller shall:

(i) post and keep posted on the dispensing device from which such motor fuel is sold or offered for sale a sign or placard, at least twelve inches in height and at least twelve inches in width, stating clearly and legibly with the whole cent numerals at least nine inches in height and at least two inches in width, the selling price per gallon of such motor fuel; or

(ii) where such individual pump or dispensing device dispenses more than two differently priced grades of motor fuel, only the highest and lowest selling price per gallon of such motor fuel dispensed therefrom must be posted thereon in conformance with all other provisions of this subdivision; or

(iii) where a multiple product dispensing device is capable of 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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per gallon may be posted thereon with numerals at least one-half that height and one-half that width required by subparagraph (i) of this paragraph, although numerals representing tenths of a cent may be displayed at no less than one-half those dimensions which disclose the selling price per gallon of such motor fuel dispensed therefrom;

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

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

The signs and selling prices shall be posted so as to be clearly visible to the driver of an approaching motor vehicle or motorboat. The name, trade name, brand, mark or symbol, and grade of quality classification, if any of such motor fuel shall be permanently imprinted on said motor fuel dispensing device. The provisions of this subdivision shall not apply to a city, county, town or village which has already enacted and continues in effect a local law, ordinance, rule or regulation in substantial conformity with this subdivision. The provisions of this subdivision shall be enforced in the counties outside the city of New York by the county or city director of weights and measures, as the case may be, and in the city of New York by the department of consumer affairs. THE COMMISSIONER, BY RULE, SHALL ESTABLISH THE SIZE OF THE SIGN OR PLACARD REQUIRED UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH.

S 2. Section 63 of the executive law is amended by adding a new subdivision 16 to read as follows:

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

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

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