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

7860

I N S E N A T E

October 17, 2012

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general business law, in relation to establishing fees for mobile food vendors; and providing for the repeal of such provisions upon the expiration thereof

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

Section 1. The general business law is amended by adding a new section 391-s to read as follows:

S 391-S. MOBILE FOOD VENDORS. 1. NO MUNICIPALITY, OTHER THAN A CITY WITH A POPULATION OF ONE MILLION OR MORE, MAY CHARGE A MOBILE FOOD VENDOR AN ANNUAL FEE OF MORE THAN TWO HUNDRED FIFTY DOLLARS PER MOBILE VENDING VEHICLE.

2. FOR PURPOSES OF THIS SECTION, A MOBILE FOOD VENDOR IS ANY PERSON WHO HAWKS, PEDDLES, SELLS, OR OFFERS FOOD FOR SALE AT RETAIL IN ANY PUBLIC SPACE AND SUCH FOOD ITEMS ARE PRESENTED TO THE PUBLIC IN A MOBILE VEHICLE, SUCH AS, BUT NOT LIMITED TO, A PUSHCART, CAR, VAN, OR TRUCK.

3. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY PERSON WHO IS SOLELY DELIVERING FOOD THAT HAS BEEN PREVIOUSLY ORDERED AND PURCHASED FROM AN ESTABLISHED RETAIL LOCATION.

S 2. This act shall take effect immediately and shall expire and be deemed repealed two years after such effective date.

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

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