

1003--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. WEPRIN, MOSLEY, OTIS, BRINDISI, GIBSON -- Multi-Sponsored by -- M. of A. BRENNAN, COOK, CROUCH, GABRYSZAK, PERRY, RIVERA, ROBERTS, ROBINSON, STEVENSON, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Consumer Affairs and Protection -- 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 STATE FOR  
13 RECEIVING COMPLAINTS FROM CONSUMERS PURSUANT TO SUBPARAGRAPH 16 OF PARA-  
14 GRAPH A OF SUBDIVISION 3 OF SECTION 94-A 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. Paragraph a of subdivision 3 of section 94-a of the executive law  
30 is amended by adding a new subparagraph 16 to read as follows:

31 (16) (I) NO LATER THAN JANUARY FIRST, TWO THOUSAND FOURTEEN, 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 STATE FOR RECEIVING INQUIRIES  
35 FROM CONSUMERS.

36 (II) EMPLOYEES OF THE DEPARTMENT OF STATE, UPON RECEIPT OF A COMPLAINT  
37 FROM A CONSUMER THROUGH MEANS OF THE TOLL-FREE NUMBER ESTABLISHED IN  
38 CLAUSE (I) OF THIS SUBPARAGRAPH, SHALL FORWARD THE CONTENTS OF SUCH  
39 COMPLAINT TO THE DEPARTMENT OF AGRICULTURE AND MARKETS AND THE APPROPRI-  
40 ATE MUNICIPALITY OR LOCAL GOVERNMENT.

41 S 3. This act shall take effect April 1, 2014; provided that the  
42 department of state shall establish the toll-free telephone number as  
43 required by section two of this act on or before January 1, 2014;  
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.