

4612--B

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 6, 2013

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Introduced by M. of A. SEPULVEDA, DINOWITZ, ROSENTHAL, STEVENSON, ROBINSON, COLTON, MONTESANO, HEASTIE, MAISEL, ORTIZ, ESPINAL, CRESPO, HEVE-SI, GALEF, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. ARROYO, BRENNAN, BUCHWALD, FAHY, GLICK, GOTTFRIED, HIKIND, LUPINACCI, MILLMAN, PERRY, RIVERA, ROSA, THIELE, WEISENBERG -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring posting of method of payment pricing

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

1     Section 1. The general business law is amended by adding a new section  
2     399-eee to read as follows:  
3     S 399-EEE. METHOD OF PAYMENT PRICE POSTING REQUIRED.     1. A RETAIL  
4     OUTLET DEALER WHO OFFERS FOR SALE MOTOR FUEL OF LIKE GRADE OR QUALITY AT  
5     DIFFERENT PRICES PER GALLON BASED ON THE MANNER IN WHICH A CUSTOMER PAYS  
6     FOR THE MOTOR FUEL SHALL POST THE METHOD OF PAYMENTS THAT WILL BE  
7     ACCEPTED TO SECURE EACH SALE PRICE AND THE MANNER IN WHICH DEBIT CARD  
8     PAYMENTS WILL BE TREATED IN RELATION TO CASH PURCHASES AND CREDIT CARD  
9     PURCHASES.     THE REQUIRED POSTING SHALL BE ATTACHED TO THE DISPENSING  
10    DEVICE FROM WHICH SUCH MOTOR FUEL IS SOLD OR OFFERED FOR SALE. THE POST-  
11    ING SHALL BE CLEARLY AND LEGIBLY WRITTEN WITH A HEIGHT OF AT LEAST THREE  
12    AND A HALF INCHES. DEALERS SHALL ALSO POST METHOD OF PAYMENT PRICING ON  
13    ALL SIGNAGE ADVERTISING MOTOR FUEL. SIGNAGE AND SELLING PRICES SHALL BE  
14    POSTED SO AS TO BE CLEARLY VISIBLE TO THE DRIVER OF AN APPROACHING MOTOR  
15    VEHICLE OR MOTORBOAT. WHEN A CONSUMER, TO OBTAIN THE LOWEST PRICE FOR A  
16    GRADE OF GAS, IS REQUIRED TO REQUEST IT FROM AN ATTENDANT OR AGENT, SUCH  
17    SIGNAGE SHALL NOTIFY THE CONSUMER OF SUCH PRICE DIFFERENCE.

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

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1       2. IN ADDITION TO ANY OTHER REMEDIES PROVIDED BY LAW, WHENEVER THERE  
2 SHALL BE A VIOLATION OF THIS SECTION, APPLICATION MAY BE MADE BY THE  
3 ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO A  
4 COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL PROCEEDING TO ISSUE AN  
5 INJUNCTION, AND, UPON NOTICE TO THE DEFENDANT OF NOT LESS THAN FIVE  
6 DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH VIOLATIONS; AND IF  
7 IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE  
8 DEFENDANT HAS, IN FACT, VIOLATED THIS SECTION, AN INJUNCTION MAY BE  
9 ISSUED BY SUCH COURT OR JUSTICE, ENJOINING OR RESTRAINING ANY FURTHER  
10 VIOLATION, WITHOUT REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN  
11 INJURED OR DAMAGED THEREBY. IN ANY SUCH PROCEEDINGS, THE COURT MAY MAKE  
12 ALLOWANCES TO THE ATTORNEY GENERAL AS PROVIDED IN PARAGRAPH SIX OF  
13 SUBDIVISION (A) OF SECTION EIGHTY-THREE HUNDRED THREE OF THE CIVIL PRAC-  
14 TICE LAW AND RULES, AND DIRECT RESTITUTION. WHENEVER THE COURT SHALL  
15 DETERMINE THAT A VIOLATION OF THIS SECTION HAS OCCURRED, THE COURT MAY  
16 IMPOSE A CIVIL PENALTY OF NOT MORE THAN TEN THOUSAND DOLLARS FOR EACH  
17 VIOLATION. IN CONNECTION WITH ANY SUCH PROPOSED APPLICATION, THE ATTOR-  
18 NEY GENERAL IS AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE  
19 RELEVANT FACTS AND TO ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRAC-  
20 TICE LAW AND RULES.

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