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

4612--B

2013-2014 Regular Sessions

I N A S S E M B L Y

February 6, 2013

Introduced by M. of A. SEPULVEDA, DINOWITZ, ROSENTHAL, STEVENSON, ROBINSON, COLTON, MONTESANO, HEASTIE, MAISEL, ORTIZ, ESPINAL, CRESPO, HEVESI, 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:

Section 1. The general business law is amended by adding a new section 399-eee to read as follows:

S 399-EEE. METHOD OF PAYMENT PRICE POSTING REQUIRED. 1. A RETAIL OUTLET DEALER WHO OFFERS FOR SALE MOTOR FUEL OF LIKE GRADE OR QUALITY AT DIFFERENT PRICES PER GALLON BASED ON THE MANNER IN WHICH A CUSTOMER PAYS FOR THE MOTOR FUEL SHALL POST THE METHOD OF PAYMENTS THAT WILL BE ACCEPTED TO SECURE EACH SALE PRICE AND THE MANNER IN WHICH DEBIT CARD PAYMENTS WILL BE TREATED IN RELATION TO CASH PURCHASES AND CREDIT CARD PURCHASES. THE REQUIRED POSTING SHALL BE ATTACHED TO THE DISPENSING DEVICE FROM WHICH SUCH MOTOR FUEL IS SOLD OR OFFERED FOR SALE. THE POSTING SHALL BE CLEARLY AND LEGIBLY WRITTEN WITH A HEIGHT OF AT LEAST THREE AND A HALF INCHES. DEALERS SHALL ALSO POST METHOD OF PAYMENT PRICING ON ALL SIGNAGE ADVERTISING MOTOR FUEL. SIGNAGE AND SELLING PRICES SHALL BE POSTED SO AS TO BE CLEARLY VISIBLE TO THE DRIVER OF AN APPROACHING MOTOR VEHICLE OR MOTORBOAT. WHEN A CONSUMER, TO OBTAIN THE LOWEST PRICE FOR A GRADE OF GAS, IS REQUIRED TO REQUEST IT FROM AN ATTENDANT OR AGENT, SUCH 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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2. IN ADDITION TO ANY OTHER REMEDIES PROVIDED BY LAW, WHENEVER THERE SHALL BE A VIOLATION OF THIS SECTION, APPLICATION MAY BE MADE BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO A COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL PROCEEDING TO ISSUE AN INJUNCTION, AND, UPON NOTICE TO THE DEFENDANT OF NOT LESS THAN FIVE DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH VIOLATIONS; AND IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE DEFENDANT HAS, IN FACT, VIOLATED THIS SECTION, AN INJUNCTION MAY BE ISSUED BY SUCH COURT OR JUSTICE, ENJOINING OR RESTRAINING ANY FURTHER VIOLATION, WITHOUT REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN INJURED OR DAMAGED THEREBY. IN ANY SUCH PROCEEDINGS, THE COURT MAY MAKE ALLOWANCES TO THE ATTORNEY GENERAL AS PROVIDED IN PARAGRAPH SIX OF SUBDIVISION (A) OF SECTION EIGHTY-THREE HUNDRED THREE OF THE CIVIL PRACTICE LAW AND RULES, AND DIRECT RESTITUTION. WHENEVER THE COURT SHALL DETERMINE THAT A VIOLATION OF THIS SECTION HAS OCCURRED, THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN TEN THOUSAND DOLLARS FOR EACH VIOLATION. IN CONNECTION WITH ANY SUCH PROPOSED APPLICATION, THE ATTORNEY GENERAL IS AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE RELEVANT FACTS AND TO ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES.

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