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

S. 3063 A. 3887

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

January 29, 2013

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Consumer Affairs and Protection

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

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

Section 1. The section heading of section 399-ee of the general business law, as added by chapter 579 of the laws of 2008, is amended to read as follows:

Zone pricing AND METHOD OF PAYMENT PRICING of gasoline prohibited.

S 2. Subdivision 1 of section 399-ee of the general business law is amended by adding two new paragraphs (n) and (o) to read as follows:

(N) "METHOD OF PAYMENT" MEANS THE MANNER IN WHICH A CUSTOMER PAYS FOR MOTOR FUEL AT A RETAIL OUTLET USING CASH, CHECK, DEBIT CARD, CREDIT CARD OR A SIMILAR MEANS OF PAYMENT.

(O) "METHOD OF PAYMENT PRICING" MEANS DIFFERENCES IN THE PRICE PER GALLON OF MOTOR FUEL OF LIKE GRADE OR QUALITY OFFERED FOR SALE OR SOLD BY A RETAIL OUTLET BASED ON THE CUSTOMER'S METHOD OF PAYMENT.

S 3. Subdivision 3 of section 399-ee of the general business law is renumbered subdivision 4 and a new subdivision 3 is added to read as follows:

3. NO DEALER SHALL ENGAGE IN METHOD OF PAYMENT PRICING WITH RESPECT TO ANY MOTOR FUEL OF LIKE GRADE OR QUALITY, EXCEPT THAT THE DEALER MAY IMPOSE A CHARGE FOR THE USE OF A CREDIT OR DEBIT CARD IN AN AMOUNT NOT TO EXCEED THE GREATER OF THE TRANSACTION FEE INCURRED BY THE DEALER FOR PROCESSING THE CREDIT OR DEBIT CARD PURCHASE OR THREE PERCENT OF THE CASH PRICE.

S 4. This act shall take effect on the thirtieth day after it shall have become a law.

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

LBD03495-01-3