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

5415--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 26, 2013

Introduced by M. of A. DINOWITZ, GALEF -- Multi-Sponsored by -- M. of A. ARROYO, BOYLAND, BRENNAN, COOK -- read once and referred to the Committee on Consumer Affairs and Protection -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to oil change requirements

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. OIL CHANGE REQUIREMENTS. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL MEAN: (A) "LUBRICATING OIL" MEANS ALL PETROLEUM-BASED OR SYNTHETIC OIL THAT IS SUITABLE FOR USE AS A LUBRICANT OR IS SOLD FOR USE AS A LUBRICANT.

(B) "SERVICE ESTABLISHMENT" MEANS EVERY AUTOMOBILE SERVICE STATION INCLUDING GAS ONLY OUTLETS AND ANY OTHER RETAIL OUTLET SELLING AT LEAST FIVE HUNDRED GALLONS OF LUBRICATING OIL ANNUALLY AND HAVING AN ON-PREMISES OIL CHANGING OPERATION.

(C) "ON-PREMISES OIL CHANGING OPERATION" MEANS ANY ESTABLISHMENT THAT DRAINS OR COLLECTS USED OIL AND REPLACES THE USED OIL WITH NEW LUBRICATING OIL.

2. (A) ANY ON-PREMISES OIL CHANGING OPERATION THAT PERFORMS AN OIL CHANGE AND PROVIDES A CONSUMER WITH A DECAL, STICKER, OR OTHER SIMILAR INDICATOR OF A MOTOR VEHICLE'S MILEAGE IS PROHIBITED FROM CAUSING SUCH DECAL, STICKER, OR OTHER INDICATOR TO INCLUDE ANY MILEAGE OTHER THAN THE MOTOR VEHICLE'S ACTUAL MILEAGE, ROUNDED TO THE NEAREST FULL MILE, ON THE ODOMETER AT THE TIME OF THE OIL CHANGE.

(B) SERVICE ESTABLISHMENTS SHALL BE REQUIRED TO POST A CONSPICUOUS SIGN, OPEN TO PUBLIC VIEW, STATING THE FOLLOWING:

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

LBD09060-02-3

"OIL CHANGES EVERY 3,000 MILES DO NOT NECESSARILY RESULT IN BETTER VEHICLE PERFORMANCE OR LONGER ENGINE LIFE. REFER TO YOUR MANUFACTURER'S RECOMMENDED MAINTENANCE SCHEDULE FOR OIL CHANGE GUIDANCE."

(C) SERVICE ESTABLISHMENTS THAT INCLUDE THE LANGUAGE REQUIRED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION ON EACH AND EVERY DECAL, STICKER, OR OTHER SIMILAR INDICATOR IN A FONT SIZE THAT IS AS LARGE AS THE LARGEST FONT SIZE THEREON ARE EXEMPT FROM THE REQUIREMENTS OF PARAGRAPH (B) OF THIS SUBDIVISION.

3. A VIOLATION OF THIS SECTION SHALL BE PUNISHABLE BY A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR THE FIRST OFFENSE AND NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH SUBSEQUENT OFFENSE.

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