

10279

I N A S S E M B L Y

May 20, 2016

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

AN ACT to amend the general business law, in relation to prohibiting
more than one increase in the price of gasoline in any twenty-four
hour period

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

1 Section 1. The general business law is amended by adding a new section
2 392-k to read as follows:
3 S 392-K. UNLAWFUL MOTOR FUEL PRICE INCREASES; EXCEPTIONS. 1. (A) IT
4 SHALL BE UNLAWFUL FOR ANY NONREFINER ENGAGED IN COMMERCE IN THIS STATE
5 TO INCREASE THE PRICE OF ANY GRADE OR QUALITY OF MOTOR FUEL SOLD AT A
6 RETAIL OUTLET MORE THAN ONCE IN A TWENTY-FOUR HOUR PERIOD.
7 (B) IT SHALL BE UNLAWFUL FOR ANY REFINER, INCLUDING ANY AFFILIATE OR
8 AGENT THEREOF, ENGAGED IN COMMERCE IN THIS STATE TO INCREASE THE PRICE
9 OF ANY GRADE OR QUALITY OF MOTOR FUEL SOLD MORE THAN ONCE IN A
10 TWENTY-FOUR HOUR PERIOD.
11 2. (A) ANY VIOLATION OF THIS SECTION SHALL RESULT IN A CIVIL FINE OF
12 NOT MORE THAN FIVE HUNDRED DOLLARS TO BE COLLECTED BY THE CORPORATION
13 COUNSEL FOR ANY CITY OR BY THE APPROPRIATE ATTORNEY OF ANY POLITICAL
14 SUBDIVISION AS SHALL BE DESIGNATED BY THE GOVERNING BODY OF SUCH POLI-
15 TICAL SUBDIVISION.
16 (B) AN ISOLATED, INADVERTENT INCIDENT INVOLVING ACTIVITY PROHIBITED
17 PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL NOT BE A VIOLATION OF
18 THIS SECTION.
19 3. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOW-
20 ING MEANINGS:
21 (A) "MOTOR FUEL" SHALL MEAN (I) ALL PRODUCTS COMMONLY OR COMMERCIALY
22 KNOWN OR SOLD AS GASOLINE (INCLUDING CASINGHEAD AND ABSORPTION OR
23 NATURAL GASOLINE), BENZOL, BENZENE, OR NAPHTHA REGARDLESS OF THEIR CLAS-
24 SIFICATION OR USES; AND (II) ANY LIQUID PREPARED, ADVERTISED, OFFERED
25 FOR SALE OR SOLD FOR USE AS OR COMMONLY AND COMMERCIALY USED AS A FUEL
26 IN INTERNAL COMBUSTION ENGINES, WHICH WHEN SUBJECTED TO DISTILLATION IN
27 ACCORDANCE WITH THE STANDARD METHOD OF TEST FOR DISTILLATION OF GASO-

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

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1 LINE, NAPHTHA, KEROSENE AND SIMILAR PETROLEUM PRODUCTS (AMERICAN SOCIETY
2 OF TESTING MATERIAL DESIGNATION D-86) SHOWS NOT LESS THAN TEN PER CENTUM
3 (10%) DISTILLED RECOVERED BELOW THREE HUNDRED FORTY-SEVEN DEGREES
4 FAHRENHEIT OR ONE HUNDRED SEVENTY-FIVE DEGREES CENTIGRADE AND NOT LESS
5 THAN NINETY-FIVE PER CENTUM DISTILLED, RECOVERED BELOW FOUR HUNDRED
6 SIXTY-FOUR DEGREES FAHRENHEIT OR TWO HUNDRED FORTY DEGREES CENTIGRADE;
7 AND (III) ANY OTHER PRODUCT OR LIQUID WHEN SOLD FOR USE AS A FUEL IN ANY
8 TYPE OF INTERNAL COMBUSTION ENGINE FURNISHING POWER TO OPERATE A MOTOR
9 VEHICLE.

10 (B) "NONREFINER" MEANS ANY PERSON, OTHER THAN A REFINER, ENGAGED IN
11 THE SALE OF MOTOR FUEL;

12 (C) "PERSON" MEANS ANY INDIVIDUAL, PUBLIC OR PRIVATE CORPORATIONS OR
13 LIMITED LIABILITY CORPORATIONS, COMPANIES, ASSOCIATIONS, SOCIETIES,
14 FIRMS, PARTNERSHIPS, LIMITED LIABILITY PARTNERSHIPS, JOINT STOCK COMPA-
15 NIES, THE UNITED STATES, THE STATE OF NEW YORK AND ANY OF ITS POLITICAL
16 SUBDIVISIONS OR AGENTS;

17 (D) "REFINER" MEANS ANY PERSON WHO PRODUCES AND STORES OR EXCHANGES
18 MOTOR FUEL AT A TERMINAL FACILITY AND WHO SELLS OR TRANSFERS MOTOR FUEL
19 THROUGH THE LOADING RACK AT SUCH TERMINAL FACILITY, AND INCLUDES AN
20 AFFILIATE OF SUCH REFINER WITH RESPECT TO SUCH AFFILIATE'S SALE OF MOTOR
21 FUEL;

22 (E) "RETAIL OUTLET" MEANS A FACILITY, INCLUDING LAND AND IMPROVEMENTS,
23 WHERE MOTOR FUEL IS OFFERED FOR SALE AT RETAIL TO THE PUBLIC; AND

24 (F) "SALE" OR "SELL" MEANS ANY TRANSFER, GIFT, BARTER, SALE, OFFER FOR
25 SALE, OR ADVERTISEMENT FOR SALE IN ANY MANNER OR BY ANY MEANS WHATSOEVER,
26 INCLUDING ANY TRANSFER OF MOTOR FUEL FROM A PERSON TO ITSELF OR AN
27 AFFILIATE AT ANOTHER LEVEL OF DISTRIBUTION, BUT DOES NOT INCLUDE PRODUCT
28 EXCHANGES AT THE WHOLESALE LEVEL OF DISTRIBUTION.

29 S 2. This act shall take effect on the ninetieth day after it shall
30 have become a law. Effective immediately, the addition, amendment and/or
31 repeal of any rule or regulation necessary for the implementation of
32 this act on its effective date is authorized and directed to be made and
33 completed on or before such effective date.