

1496

2015-2016 Regular Sessions

I N S E N A T E

January 13, 2015

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

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.
18 2. IN ADDITION TO ANY OTHER REMEDIES PROVIDED BY LAW, WHENEVER THERE
19 SHALL BE A VIOLATION OF THIS SECTION, APPLICATION MAY BE MADE BY THE
20 ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO A
21 COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL PROCEEDING TO ISSUE AN
22 INJUNCTION, AND, UPON NOTICE TO THE DEFENDANT OF NOT LESS THAN FIVE
23 DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH VIOLATIONS; AND IF
24 IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE
25 DEFENDANT HAS, IN FACT, VIOLATED THIS SECTION, AN INJUNCTION MAY BE

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

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1 ISSUED BY SUCH COURT OR JUSTICE, ENJOINING OR RESTRAINING ANY FURTHER
2 VIOLATION, WITHOUT REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN
3 INJURED OR DAMAGED THEREBY. IN ANY SUCH PROCEEDINGS, THE COURT MAY MAKE
4 ALLOWANCES TO THE ATTORNEY GENERAL AS PROVIDED IN PARAGRAPH SIX OF
5 SUBDIVISION (A) OF SECTION EIGHTY-THREE HUNDRED THREE OF THE CIVIL PRAC-
6 TICE LAW AND RULES, AND DIRECT RESTITUTION. WHENEVER THE COURT SHALL
7 DETERMINE THAT A VIOLATION OF THIS SECTION HAS OCCURRED, THE COURT MAY
8 IMPOSE A CIVIL PENALTY OF NOT MORE THAN TEN THOUSAND DOLLARS FOR EACH
9 VIOLATION. IN CONNECTION WITH ANY SUCH PROPOSED APPLICATION, THE ATTOR-
10 NEY GENERAL IS AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE
11 RELEVANT FACTS AND TO ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRAC-
12 TICE LAW AND RULES.

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