

3683

2015-2016 Regular Sessions

I N   S E N A T E

February 13, 2015

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Introduced by Sen. SAVINO -- 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 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 ASSEMBLY, 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

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

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

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

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

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

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

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

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