

3798--A

2015-2016 Regular Sessions

I N S E N A T E

February 17, 2015

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Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law and the executive law, in relation to protecting consumers from price gouging and product tampering of gasoline

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

1 Section 1. Paragraph a of subdivision 5 of section 192 of the agricul-  
2 ture and markets law, as amended by chapter 101 of the laws of 1986, is  
3 amended to read as follows:  
4 a. It shall be unlawful for any person, firm or corporation to sell or  
5 offer for sale at retail for use in internal combustion engines in motor  
6 vehicles or motorboats any motor fuel unless such seller shall:  
7 (i) post and keep posted on the dispensing device from which such  
8 motor fuel is sold or offered for sale a sign or placard, at least  
9 twelve inches in height and at least twelve inches in width, stating  
10 clearly and legibly with the whole cent numerals at least nine inches in  
11 height and at least two inches in width, the selling price per gallon of  
12 such motor fuel; or  
13 (ii) where such individual pump or dispensing device dispenses more  
14 than two differently priced grades of motor fuel, only the highest and  
15 lowest selling price per gallon of such motor fuel dispensed therefrom  
16 must be posted thereon in conformance with all other provisions of this  
17 subdivision; or  
18 (iii) where a multiple product dispensing device is capable of  
19 dispensing multiple products at multiple prices, then the selling price  
20 per gallon may be posted thereon with numerals at least one-half that  
21 height and one-half that width required by subparagraph (i) of this

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

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1 paragraph, although numerals representing tenths of a cent may be  
2 displayed at no less than one-half those dimensions which disclose the  
3 selling price per gallon of such motor fuel dispensed therefrom;

4 (IV) POST AND KEEP POSTED ON THE DISPENSING DEVICE FROM WHICH SUCH  
5 MOTOR FUEL IS SOLD OR OFFERED FOR SALE A SIGN OR PLACARD, OF A SIZE TO  
6 BE DETERMINED BY THE COMMISSIONER, STATING CLEARLY AND LEGIBLY, IN  
7 SUBSTANTIALLY SIMILAR FORM:

8 NOTICE TO CONSUMERS: IF YOU HAVE A COMPLAINT REGARDING THIS BUSINESS,  
9 YOU MAY CALL THE FOLLOWING TOLL-FREE NEW YORK STATE HOTLINE: (INSERT THE  
10 CURRENT TELEPHONE NUMBER ESTABLISHED BY THE DEPARTMENT OF STATE FOR  
11 RECEIVING COMPLAINTS FROM CONSUMERS PURSUANT TO SUBPARAGRAPH 16 OF PARA-  
12 GRAPH A OF SUBDIVISION 3 OF SECTION 94-A OF THE EXECUTIVE LAW).

13 The signs and selling prices shall be posted so as to be clearly visi-  
14 ble to the driver of an approaching motor vehicle or motorboat. The  
15 name, trade name, brand, mark or symbol, and grade of quality classi-  
16 fication, if any of such motor fuel shall be permanently imprinted on  
17 said motor fuel dispensing device. The provisions of this subdivision  
18 shall not apply to a city, county, town or village which has already  
19 enacted and continues in effect a local law, ordinance, rule or regu-  
20 lation in substantial conformity with this subdivision. The provisions  
21 of this subdivision shall be enforced in the counties outside the city  
22 of New York by the county or city director of weights and measures, as  
23 the case may be, and in the city of New York by the department of  
24 consumer affairs. THE COMMISSIONER, BY RULE, SHALL ESTABLISH THE SIZE  
25 OF THE SIGN OR PLACARD REQUIRED UNDER SUBPARAGRAPH (IV) OF THIS PARA-  
26 GRAPH.

27 S 2. Paragraph a of subdivision 3 of section 94-a of the executive law  
28 is amended by adding a new subparagraph 16 to read as follows:

29 (16) (I) NO LATER THAN JANUARY FIRST, TWO THOUSAND SEVENTEEN, ESTAB-  
30 LISH A TOLL-FREE TELEPHONE NUMBER FOR RECEIVING COMPLAINTS RELATED TO  
31 THE RETAIL SALE OF MOTOR FUEL. THE TOLL-FREE NUMBER MAY BE AN EXISTING  
32 NUMBER ESTABLISHED BY THE DEPARTMENT OF STATE FOR RECEIVING INQUIRIES  
33 FROM CONSUMERS.

34 (II) EMPLOYEES OF THE DEPARTMENT OF STATE, UPON RECEIPT OF A COMPLAINT  
35 FROM A CONSUMER THROUGH MEANS OF THE TOLL-FREE NUMBER ESTABLISHED IN  
36 CLAUSE (I) OF THIS SUBPARAGRAPH, SHALL FORWARD THE CONTENTS OF SUCH  
37 COMPLAINT TO THE DEPARTMENT OF AGRICULTURE AND MARKETS AND THE APPROPRI-  
38 ATE MUNICIPALITY OR LOCAL GOVERNMENT.

39 S 3. This act shall take effect April 1, 2017; provided that the  
40 department of state shall establish the toll-free telephone number as  
41 required by section two of this act on or before January 1, 2017;  
42 provided further that, effective immediately, any rules and regulations  
43 necessary to implement the provisions of this act on its effective date  
44 are authorized and directed to be amended, promulgated and/or repealed  
45 on or before such date.