STATE OF NEW YORK

8110

IN SENATE

March 29, 2018

Introduced by Sen. RITCHIE -- (at request of the Department of Agriculture and Markets) -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the posting of prices for motor fuel and diesel fuel grade posting requirements

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph a of subdivision 5 of section 192 of the agriculture and markets law, as amended by chapter 101 of the laws of 1986, is amended to read as follows:

a. It shall be unlawful for any person, firm or corporation to sell or offer for sale at retail for use in internal combustion engines in motor vehicles or motorboats any motor fuel unless such seller shall:

(i) post and keep posted on the **individual pump or** dispensing device from which such motor fuel is [~~sold or~~] offered for sale a sign [~~or~~]**,** placard **or electronic display**, at least [~~twelve~~] **six** inches in height and at least [~~twelve~~] **six** inches in width, stating clearly and legibly with [~~the~~] whole cent numerals at least [~~nine~~] **four and one-half** inches in height and at least [~~two inches~~] **one inch** in width, the selling price per gallon of such [~~motor~~] fuel[~~; or~~]**. If the individual pump or dispensing device from which such motor fuel is sold only dispenses a single grade of motor fuel, the sign, placard or electronic display shall be at least twelve inches in height and at least twelve inches in width, stating clearly and legibly with whole cent numerals at least nine inches in height and at least two inches in width, the selling price per gallon of such motor fuel. Price contract sales and retailer promotions are excluded from the requirements of this subparagraph. For purposes of this subdivision, a price contract sale means a sale where a written agreement exists, prior to the point of sale, in which both buyer and seller have accepted pricing conditions of sale.**

(ii) when a grade of motor fuel is offered for sale from the same dispensing device, post each selling price per gallon as determined by

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

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the method of payment (e.g., cash, credit or debit). Price contract sales and retailer promotions are excluded from this requirement.

[~~(ii)~~] (iii) where such individual pump or dispensing device dispenses more than [~~two~~] four differently priced grades of motor fuel, post only the highest and lowest selling price per gallon of such motor fuel dispensed therefrom [~~must be posted~~] thereon in conformance with all other provisions of this subdivision[~~; or~~].

[~~(iii) where a multiple product dispensing device is capable of dispensing multiple products at multiple prices, then the selling price per gallon may be posted thereon with numerals at least one-half that height and one-half that width required by subparagraph (i) of this paragraph, although numerals representing tenths of a cent may be displayed at no less than one-half those dimensions which disclose the selling price per gallon of such motor fuel dispensed therefrom.~~]

(iv) where the price per gallon of motor fuel is also advertised on a sign placed other than on an individual pump or dispensing device, such sign shall:

(A) clearly set forth the grade of motor fuel to which the price refers; and

(B) if such price is conditioned upon a particular method of payment, retailer promotion or price contract sale, that condition shall be clearly displayed in close proximity to the price, and in letters not less than three-eighths the size of the numbers stating the price per gallon. The information contained on the individual pump or dispensing device with respect to any price conditioned on a particular method of payment shall not conflict with the information on a sign placed other than on an individual pump or dispensing device.

Nothing in this section shall be construed to prohibit a political subdivision of the state from continuing to implement and enforce any local law or regulation which regulates motor fuel pricing advertised on a sign placed other than on an individual pump or dispensing device that was in effect prior to the effective date of this subparagraph. Where a political subdivision has such a local law or regulation in effect prior to the effective date of this subparagraph, the provisions of this subparagraph and subparagraph (iv) of this paragraph shall have no force and effect until such time as the political subdivision repeals its local law or regulation. After the effective date of this subparagraph, no political subdivision of the state shall adopt a local law or regulation which regulates motor fuel pricing advertised on a sign placed other than on an individual pump or dispensing device.

The signs and selling prices shall be posted so as to be clearly visible to the driver of an approaching motor vehicle or motorboat. The name, trade name, brand, mark or symbol, and grade of quality classification, if any of such motor fuel shall be permanently imprinted on said motor fuel dispensing device. The provisions of this subdivision shall not apply to a city, county, town or village which has already enacted and continues in effect a local law, ordinance, rule or regulation in substantial conformity with this subdivision. The provisions of this subdivision shall be enforced in the counties outside the city of New York by the county or city director of weights and measures, as the case may be, and in the city of New York by the department of consumer affairs.

§ 2. The section title, paragraph b of subdivision 3 and paragraph b of subdivision 5 of section 192-c of the agriculture and markets law, as added by chapter 716 of the laws of 1989, are amended to read as follows:

Motor fuel standards and labelling; [~~cetane rating~~] **grade** of diesel fuel; alcohol content.

b. A refiner, distributor or reseller shall not transfer, sell or dispense diesel motor fuel in this state without delivering to the purchaser a bill, invoice or other instrument evidencing the transaction which shall indicate the [~~cetane rating~~] **grade** of such diesel motor fuel.

b. A retailer shall not transfer, sell, dispense or offer diesel motor fuel for sale in this state unless the retail petroleum dispensing device displays a sign disclosing the [~~minimum cetane rating~~] **grade**.

§ 3. This act shall take effect on the sixtieth day after it shall have become a law.