

# STATE OF NEW YORK

8807

## IN SENATE

May 21, 2018

Introduced by Sen. FUNKE -- 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 and the general business law, in relation to automobile tire inflation machines

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

1 Section 1. Paragraph b of subdivision 6 of section 192 of the agricul-  
2 ture and markets law, as added by chapter 126 of the laws of 1985, is  
3 amended to read as follows:

4 b. Any dealer must provide on the premises where motor fuel is sold at  
5 retail for use in motor vehicles a functioning motor driven air compres-  
6 sor capable of inflating automobile tires for use by customers during  
7 hours in which such station is open for business. Jurisdiction in all  
8 matters pertaining to this subdivision shall be vested exclusively in  
9 the state. Any provision of any local law or ordinance or any rule or  
10 regulation promulgated thereto governing tire inflation operation or  
11 equipment shall upon the effective date of the chapter of the laws of  
12 two thousand eighteen that amended this paragraph be preempted. Nothing  
13 in this section shall be construed to restrict a municipality from  
14 enforcing the provisions of this subdivision as it relates to providing  
15 functioning tire inflation equipment as required by the commissioner.

16 § 2. Subdivision 2 of section 396-x of the general business law, as  
17 added by chapter 616 of the laws of 1984, is amended to read as follows:

18 2. Any dealer must provide on the premises where motor fuel is sold at  
19 retail for use in motor vehicles a functioning motor driven air compres-  
20 sor capable of inflating automobile tires for use by customers during  
21 hours in which such station is open for business. Jurisdiction in all  
22 matters pertaining to this subdivision shall be vested exclusively in  
23 the state. Any provision of any local law or ordinance or any rule or  
24 regulation promulgated thereto governing tire inflation operation or  
25 equipment shall upon the effective date of the chapter of the laws of  
26 two thousand eighteen that amended this subdivision be preempted. Noth-  
27 ing in this section shall be construed to restrict a municipality from  
28 enforcing the provisions of this subdivision as it relates to providing  
29 functioning tire inflation equipment as required by the commissioner of  
30 agriculture and markets.

31 § 3. This act shall take effect immediately.

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

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