STATE OF NEW YORK

5819--A

2019-2020 Regular Sessions

IN ASSEMBLY

February 19, 2019

Introduced by M. of A. ABBATE, JEAN-PIERRE, CYMBROWITZ -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

2. Any dealer must provide on the premises where motor fuel is sold at retail for use in motor vehicles a functioning motor driven air compressor capable of inflating automobile tires for use by customers during hours in which such station is open for business. **Jurisdiction in all matters pertaining to this subdivision shall be vested exclusively in**

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

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the state. Any provision of any local law or ordinance or any rule or regulation promulgated thereto governing tire inflation operation or equipment shall upon the effective date of the chapter of the laws of two thousand twenty that amended this subdivision be preempted. Nothing in this section shall be construed to restrict a municipality from enforcing the provisions of this subdivision as it relates to providing functioning tire inflation equipment as required by the commissioner of agriculture and markets.

§ 3. This act shall take effect immediately.