

Proposed Local Law No. 9 Of 2013

County Of Ulster

A Local Law Amending Local Law No. 5 of 1989 (A Local Law Requiring Regulations Regarding The Sale Of Motor Vehicle Fuels) To Establish Certain Consumer Protection Practices In Ulster County

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. LEGISLATIVE INTENT AND FINDINGS.

The Ulster County Legislature hereby determines that is appropriate and necessary to amend Local Law Number 5 of 1989 to prevent misleading and deceptive trade practices with respect to the pricing of gasoline on signs at gasoline stations located within Ulster County that are not regulated by Article 16 of the New York State Agriculture and Markets Law.

SECTION 2. REGULATION.

Section 6 (c) of Local Law Number 5 of 1989 is hereby amended to add a new subdivision "6." as follows:

6. Displaying gasoline prices in a manner which fails to include and make plainly visible to the consumer of the difference, if any, between the price per gallon for payment by cash, debit, or credit shall be prohibited. For example, a sign which only reveals the price per gallon for a cash payment but fails to include and make equally and plainly visible the price per gallon by debit or credit payment, when a difference in price exists, shall constitute a deceptive trade practice. However, a sign which does not distinguish between the price per gallon for payment by cash and payment by credit or debit shall not be considered a deceptive trade practice, only if the price per gallon is the same regardless of the form of payment. The price of gasoline available to retail customers on one or more signs must be so positioned and lit so that the price that the signs display will be readily seen by motorists approaching the gasoline station at any time that the gasoline station is open for business to supply gasoline. Such signs must display in all instances the price of gasoline at the standard retail price available to all customers, without any discounts or special offers. If discounted pricing is displayed on the sign it must be of the same size as the regular price of gasoline.

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SECTION 3. SEVERABILITY.

If any part or provision of this Local Law or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation to the part of the provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Ulster County Legislature hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 4. EFFECTIVE DATE.

This Local Law shall take effect one hundred and twenty (120) days after its adoption by the Ulster County Legislature.