

WITHDRAWN AS OF 9/4/2012
AMENDED COPY AS OF 4/26/2012

Intro. Res. No. 1472-2012

Laid on Table 4/24/2012

Introduced by Presiding Officer Lindsay and Legislators Hahn, Spencer

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW
NO. -2012, A LOCAL LAW TO ENSURE HONESTY IN
GAS PRICE ADVERTISING**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 24, 2012, a proposed local law entitled, "**A LOCAL LAW TO ENSURE HONESTY IN GAS PRICE ADVERTISING**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2012, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ENSURE HONESTY IN GAS PRICE
ADVERTISING**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that many consumers use credit cards when purchasing gasoline.

This Legislature also finds and determines that gasoline retailers frequently charge a higher price for gasoline purchased by credit card as opposed to cash purchases.

This Legislature further finds and determines that some gasoline retailers in Suffolk County have drastically increased their so-called "cash discount" to as much as one dollar per gallon of gasoline.

This Legislature finds that these gasoline retailers generally display only the lower cash price per gallon on signs adjacent to roadways.

This Legislature determines that since the price per gallon for credit transactions is the standard before any cash discounts are applied, gasoline retailers should display both prices equally on all signs visible from the roadway. Cash and credit prices should be displayed equally at each pumping station.

Therefore, the purpose of this law is to require gasoline retailers to display the per-gallon cost for both cash and credit card gasoline purchases on all pricing signs visible from the adjacent roadway.

Section 2. Amendments.

Chapter 494 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 494, GASOLINE SALES

ARTICLE VI, Advertising and Sale of Gasoline

§494-33. Prohibited Acts.

D. No operator shall sell similar motor fuels at different prices to cash and credit customers, unless the per-gallon price for both cash and credit petroleum motor fuel purchases are conspicuously displayed in equally sized lettering on signs visible from the adjacent roadway.

E. No operator shall sell similar motor fuels at different prices to cash and credit customers, unless the per-gallon price for both cash and credit petroleum motor fuel purchases are conspicuously displayed on all pricing signs at the filling station.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Reverse Preemption.

This law shall be null and void on the same day that statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine, via mere resolution, whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

Section 6. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to

Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 7. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: